

AGENDA
RIO DELL CITY COUNCIL
STUDY SESSION – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.
TUESDAY, DECEMBER 17, 2013
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

A. CALL TO ORDER

B. ROLL CALL

C. SPECIAL STUDY SESSION – 6:00 – 6:30 p.m.

1) 2013/1217.01 - Review of City Manager Work Plan/Priorities

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D. PLEDGE OF ALLEGIANCE

E. CEREMONIAL MATTERS

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Councilmembers present that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

G. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to

address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

- 1) 2013/1217.02 - Approve Minutes of the December 3, 2013 Regular Meeting
(ACTION) 6
- 2) 2013/1217.03 - Approve giveaway of the Wastewater Treatment Plant's Exceptional Quality Class 'A' Bio-Solids to City residents and if necessary, County residents to dispose of excess bio-solids product (ACTION) 22
- 3) 2013/1217.04 - Approve Resolution No. 1214-2013 Establishing a Fund Balance Classification Policy (ACTION) 26
- 4) 2013/1217.05 - Approve Resolution No. 1215-2013 Mid-Year Budget Adjustments (ACTION) 29

H. SPECIAL PRESENTATIONS

- 1) 2013/1217.06 - Project Status Report by Craig Olson, Project Engineer, HDR Engineering Wastewater Treatment Plant Upgrade and Disposal Project

I. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2013/1217.07 - Appointment of two (2) Council Members and one (1) alternate Council Member to the Nuisance Hearing Committee (ACTION) 36
- 3) 2013/1217.08 - Receive report on River Bar Survey Results and approve staff's recommendation as submitted (ACTION) 42
- 4) 2013/1217.09- Make determination on access to Eel River from Painter St. and provide staff direction on how to proceed (ACTION) 45

J. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2013/1217.10 - Conduct Second Reading (by title only) and Adopt Ordinance No. 302-2013 Establishing Parkland Dedication Regulations, Section 17.30.190 of the Rio Dell Municipal Code (ACTION) 50
- 2) 2013/1217.11 - Conduct Second Reading (by title only) and Adopt Ordinance No. 305-2013 Amending Current Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code (ACTION) 60
- 3) 2013/1217.12 - Conduct Second Reading (by title only) and Adopt Ordinance No. 309-2013 Amending the Current Design Review Regulations, Section 17.25.050(3) of the Rio Dell Municipal Code (ACTION) 71

- 4) 2013/1217.13 - Conduct Second Reading (by title only) and Adopt Ordinance No. 310-2013 Amending Council Meeting Regulations, Section 2.05.070 (Holidays) of the Rio Dell Municipal Code (**ACTION**) 79
- 5) 2013/1217.14 - Conduct Second Reading (by title only) and Adopt Ordinance No. 311-2013 Amending Current Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code (**ACTION**) 82
- 6) 2013/1217.15 - Introduce and Conduct First Reading (by title only) of Ordinance No. 314-2014 Establishing Purchasing Procedures, Section 3.30.110 and Amending Section 3.30.100 of the of the Rio Dell Municipal Code (**ACTION**) 111
- 7) 2013/1217.16 - Introduce and Conduct First Reading (by title only) of Ordinance No. 315-2014 Amending Building Codes and Appendices, Section 15.05.020 of the Rio Dell Municipal Code (**ACTION**) 115

K. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director – November Check Register
4. Community Development Director

L. COUNCIL REPORTS/COMMUNICATIONS

M. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS: **No Closed Session Items Scheduled**

N. ADJOURNMENT

HAPPY HOLIDAYS!

*The next regular meeting will be on January 7, 2014
at 6:30 p.m. in City Hall Council Chambers*

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675 Wildwood Avenue
Rio Dell, CA 95562
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December 17, 2013

TO: Honorable Mayor and City Council Members
FROM: Jim Stretch, City Manager
SUBJECT: Study session on City Manager's Work Plan

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide the City Manager feedback on his work plan for the balance of the fiscal year.

BACKGROUND AND DISCUSSION

On December 3, 2013 the City Council received a report from the City Manager (CM) on his work plan and the recruitment of the new City Manager. The Council decided to retain the services of an executive recruitment firm to handle the recruitment so the City Manager could get as much special project work accomplished over the next 6 months. The Council asked for this study session to go over the list of items to insure that the two parties are on the same page as to work priorities.

The original work plan adopted by the City Council on May 7, 2013 is attached, as well as the list a new priorities that emerged over the last 6 months. You may note that the topics identified in **bold** were thought by the CM to be priorities, requiring 532 hours to complete, but only 406 hours were estimated to be available; thus the prioritization.

To this situation are added several factors; the recruitment of the Finance Director, the additional demands on the CM during this transition and working with a new Finance Director, labor and contract negotiations and the preparation of the 2014-15 City budget. Given the day to day demands of the office, there will be little time to do anything else.

Below are the projects that I have identified from the (2) lists- ranked in priority order, which means that they should be completed by the end of the fiscal year (June 30, 2014):

1. CalPERS retirement/actuarial evaluation
2. CPS total compensation study
3. Recruitment of Finance Director
4. Recruitment of City Manager
5. New labor contracts with (2) Employee Associations and (6) contract employees

6. Adoption of City Budget for 2014-15
7. Complete Employee Handbook revisions concerning employee rights and due process
8. Revisions to Business License Ordinance
9. Monument Springs negotiations with property owners
10. Capital Improvement ADA project and City Hall planning lead person with Architect

The Council may wish to refer to the attached (2) lists for the purpose of bringing forward other projects in lieu of the (10) items suggested above, which is fine, because as I mentioned at the December 3 Council meeting, this should be our work plan.

Items 1 through 6 above are related and that's why they are grouped at the top of the list. We need to complete items 1 and 2 before we can do items 3 through 6.

The City Manager relies most heavily on the Finance Director to produce expenditure and revenue reports for every budget unit and fund-Finance produces all of the financial reports for the CM. It should be expected that the budget process for 2014-15 will be impacted perhaps in a major way by the turnover of several staff members, and that affect cannot be quantified at this time in the CM work plan.

Item #10 on the list concerns working with Department Heads, the City Council and the City's Architect in addressing Americans with Disabilities Act (ADA) improvements at City Hall and preparing a site master plan as part of the planning process to identify the future spatial requirements on the site for public services. This is an important project that I was looking forward to working on, but I am not going to be able to move it forward in a timely way. With the City Council's concurrence, I have asked Community Development Director Kevin Caldwell to take the lead on the project.

With that, the topic of the City Manager's work plan for the next 6 months is open for discussion.

**CITY MANAGER WORK TASKS
STATUS REPORT
2013-14**

The City Manager works $\frac{3}{4}$ time and has 1,560 gross hours available for the fiscal year. Subtract from that amount 248 hours for vacation (120 hrs.), sick leave (16 hrs.), training (16 hrs.) and holidays (96 hrs.) for a net of 1,312 hours available.

Net hours available in fiscal year **1,312**

ESTIMATED DAILY, WEEKLY, MONTHLY REQUIREMENTS

	<u>Estimated Hours</u>
1. Public meetings (24 regular & 12 special)	84
2. Agenda preparation (2 hours/meeting)	168
3. Meeting with staff/problem solving	250
4. Consulting with contractors/engineers/attorney	150
4. Processing claims	40
5. Consulting with City Council/public	160
6. Emails with associations/colleagues	40
7. Preparing required reports/PRA's	60
8. MBWA	10
9. Budget preparation	40
10. Preparation of bids & advertising projects	<u>30</u>
Estimated hours	1,032

Estimated hours available for special projects **280**

SPECIAL PROJECT LIST BY PRIORITY

1. Update City Hazard Mitigation Plan with countywide task force Comment- Completed—took 40 hours.	10
2. Develop Capital Improvement Plan (CIP) for Council approval Comment- An outline of a plan was been developed and various elements of the plan have been included as policy items in the 2013-14 budget and funded.	60
3. Work with Architect and City Council on City Hall improvements	40

Comment- This is a priority project that needs CM attention

4. Review and recommend further amendments to Employee Handbook	20
Comment-The Handbook contain personnel rules and is a priority for completion.	
5. Prepare new business license ordinance and administrative fees	60
Comment-The Business License Ordinance is out of date and should be completed—85% of work completed..	
6. Develop policy for Council Member travel and expenditures	8
Comment-Less of a priority and probably cannot be completed.	
7. Review & recommend City travel and reimbursement policy	10
Comment- Less of a priority.	
8. Inventory and prepare recommendation for the sale of surplus City properties	50
Comment- Working on surplus (4) Water Fund property appraisals underway—Monument Springs issues have languished for decades and need to be settled.	
9. Review budget planning module & process	15
Comment-Important, but a project for 2014-15.	
10. Humboldt Waste Management Authority JPA agreement and questions	<u>20</u>
Comment- Completed	
<u>Total estimated hours of special projects listed</u>	<u>293</u>

***BOLD ITEMS 3, 4, 5 & 8 ARE PRIORITY FOR NEXT 6 MONTHS.**

**CITY MANAGER PROJECTS
NOT ON 2013-14 WORK PLAN THAT
 OCCURRED IN LAST 6 MONTHS**

PROJECTS	HRS. TO DATE	FUTURE HRS.
1. Infiltration gallery issue and coordination	30	30
2. Monument Springs Property access/ water rights and sale	25	30
3. CalPers retirement/actuarial evaluation	4	25
4. CPS total compensation study	4	15
5. Administration of Wildwood Ave project	40	1
6. Hazard Mitigation Plan	30	0
7. Cal Recycle Programs	35	5
8. Purchase of City vehicles	20	1
9. Grant applications (3)	10	2
10. Meet and Confer with contract employees and Employee's organizations	1	20
11. Property exchange with school district	2	10
12. Eel River issues	2	5
13. Finance Director recruitment	0	15
Total hours	203	159

***PROJECTS IN BOLD ARE PRIORITY**

**RIO DELL CITY COUNCIL
REGULAR MEETING
DECEMBER 3, 2013
MINUTES**

The regular meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Thompson.

ROLL CALL: Present: Mayor Thompson, Councilmembers Johnson, Marks, Wilson and Woodall

Others Present: City Manager Stretch, Chief of Police Hill, Finance Director Beauchaine, Community Development Director Caldwell, Wastewater Superintendent Chicora and City Clerk Dunham

Absent: Water/Roadways Superintendent Jensen (excused)

Mayor Thompson called for a brief recess to observe the lighting of the Christmas tree.

The regular meeting reconvened.

CEREMONIAL MATTERS

Proclamation in Recognition of Human Rights Awareness Month

Mayor Thompson read the proclamation in recognition of Human Rights Awareness Month. Humboldt County Human Rights Commissioners Leamon and Wade were present to receive the proclamation and thanked the City Council for the support.

PUBLIC PRESENTATIONS

Adam Dias, 383 Wildwood Ave. addressed the Council regarding river access and read a letter formally requesting that no action be taken to restrict access to the river for citizens or tourists and encouraged the Council to focus on long-term solutions to maintain the City's tax base. He said it would behoove the City to restore the river bar for recreational activities. He commented that the City must not restrict public recreation or close off access to fisherman or law enforcement.

Michael Chase, 480 Edwards Dr. presented pictures recently taken at the river bar of 3 deer carcasses and said it appears that someone killed the deer simply for the horns.

Karen Chase commented that their interest is in protecting the resources; not to deny access to the river bar.

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Nick Angeloff, 156 Grayland Heights, provided the Council with a copy of the *Redwood Marine Terminal Feasibility Study* stating there are several key points that may be of interest to the Council.

CONSENT CALENDAR

Councilmember Johnson asked that Items 2 and 6 be removed from the consent calendar for separate discussion. Councilmember Marks stated she would like to abstain from vote on the Item 1, *Approval of Minutes of the November 12, 2013 Special Meeting*.

Motion was made by Wilson/Marks to approve the consent calendar including the approval of minutes of the November 12, 2013 special meeting; approval of amendment to Section 10 (Automobile) of the Employment Agreement with Jim Stretch, City Manager; approval of transfer of \$4,150 from Wildwood Avenue Streetscape Project Contingency Fund to the project account for Construction Administration, increasing it from \$55,000 to \$59,150; approval of Pay Request No. 2 in the amount of \$36,540.80 to SJL Construction for work related to the Wildwood and Davis St. Safe Routes to School Project; approval of the sale of the 49-unit Rio Dell Apartments and authorizing the City Manager to execute the Subordination Agreement and Quit Claim Deed; approval of Pay Request No. 21 to Wahlund Construction/Sequoia Construction Specialties in the amount of \$652,992.15 for work related to the Wastewater Treatment Plant Upgrade and Disposal Project; and accepting letter of resignation from Finance Director Stephanie Beauchaine effective December 20, 2013. Motion carried 5-0; Councilmember Marks abstained from vote on the November 12, 2013 minutes.

SPECIAL PRESENTATIONS

Project Status Report by Merritt Perry, City Engineer

City Engineer Perry provided a brief update on current projects and reported the Wildwood Ave. Streetscape Improvement Project is essentially complete with the exception of a couple of punch list items such as turning on the clock and replacement of a few plants. He said Water/Roadways Superintendent Jensen played a big part with regard to inspections and the project was completed within \$5,000 of the original bid amount; leaving a contingency balance of approximately \$25,000.

He then reported that the lighted crosswalk at Center and Wildwood is working and as of tonight, the Safe Routes to School Project is also complete. He stated that the project was completed within \$3,000 of the original bid amount; leaving a contingency balance of approximately \$4,300.

Reporting on other projects, he said he also assisted the City Manager with identifying boundaries and right-of-ways on Northwestern Ave. and said Kelly O'Hearn Associates is waiting on information from CalTrans in order to complete the survey work.

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Lastly, he reported that the City received a \$100,000 Planning & Technical Assistance Grant as part of the 2013 State Community Development Block Grant (CDBG) Program for the preparation of a Drainage Analysis/Study and Conceptual Plans for the Belleview/Ogle Ave. areas. With regard to the status of that project, he said the City is waiting for the contract from CDBG.

Councilmember Johnson asked what the timeframe is for the release of retention on the Wildwood Ave. Streetscape Improvement Project and what the warranty period is on the electrical work. Engineer Perry responded that the retention is released 35 days after the Notice of Completion is filed; and the electrical work is guaranteed for 1 year after completion.

There were Council questions regarding the type and size of landscaping placed in the medians. Engineer Perry stated the previous City Manager, in conjunction with Miller Farms selected the landscaping.

Presentation of Project of the Year Award for Wastewater Facility & Effluent Disposal Project
Finance Director Beauchaine provided a power point presentation on the Wastewater Facility and Effluent Project beginning with 2003 when the City was first issued the Cease & Desist Order mandating the update of the City's effluent disposal method. She said after several years of environmental review and fiscal impact analysis, a preferred project was identified which included new wastewater treatment processes, solids management and effluent disposal techniques.

She continued with review of the \$2.25 million in improvements under Phase I including new headworks; a new solids storage facility; a new sludge press; new on-site chlorination equipment; and new sodium bio-sulfate pumps.

Phase II began when the City was successful in securing a \$12.8 million financing package which included a \$6.0 million grant. This included a new wastewater treatment facility at the current plant location; and a new method of effluent disposal through Type II Irrigation in Metropolitan. She said in addition to the Aeromod Biological Treatment Plant, was replacement of the RBC's; a new control building and blower building; a thermal sludge dryer; and remodel of the current operations building.

Finance Director Beauchaine added that when the project is complete, the City will have met all of its obligations under the Cease and Desist Order and the Administrative Civil Liability Complaint, and the new "cutting edge" plant will meet or exceed all required standards.

In closing, she announced that the project has been viewed by the engineering community as environmentally superior winning two (2) Wastewater of the Year Awards: the American Public Works Association (APWA) Wastewater Project of the Year; and the American Society of Civil Engineers (ASCE) Project of the Year.

Councilmember Johnson questioned the amount of dried solids produced each year. Wastewater Superintendent Chicora reported that the old plant was producing approximately 450 cubic yards of sludge/yr. and with the new sludge press it has been reduced to 80 to 100 cubic yards. He said the plant is now producing Class A sludge which can be sold or given away and used as fertilizer thus eliminating the need to haul it to the landfill.

Mayor Thompson commented that Finance Director Beauchaine was also the Project Manager on this project and did a good job. He said she has submitted her resignation and just wanted to say that the City has been better off with her here; and that she was successful in bringing the City's audits current. He said he wanted to personally thank her for her years of service to the City.

Councilmember Johnson stated that launching into a \$12 million project can be daunting without having any prior experience and having been in that position himself, has a feel for the emotions she experienced and commended her for the successful completion of the project.

SPECIAL CALL ITEMS FROM CONSENT CALENDAR

Approve Resolution No. 1213-2013 Authorizing the Adoption of the Humboldt Operational Area Hazard Mitigation Plan

Councilmember Johnson said the reason for removal of this item from the Consent Calendar is that in the document under Section 9.3.2 *Local Energy Demand*, the calculations seem to be incorrect. City Manager Stretch said he had a consultant working on the electricity consumption numbers and agreed to look into it.

Motion was made by Marks/Johnson to approve *Resolution No. 1213-2013 Authorizing the Adoption of the Humboldt Operational Area Hazard Mitigation Plan*. Motion carried 5-0.

Proposition 84 Storm Water Grant Application

City Manager Stretch explained this item relates to a grant application for Proposition 84 grant funds to address flooding and drainage issues in the area of Northwestern Avenue and is essentially a pre-application.

Councilmember Johnson referred to the Budget Detail related to reinforced concrete and questioned the size of the culvert.

Engineer Perry agreed to bring back the specifications for the culvert sizing.

Councilmember Marks asked for clarification that the survey is to determine what the City's responsibility is with regard to maintenance.

Engineer Perry explained the area of Northwestern Ave. poses a huge maintenance issue and the primary purpose of the grant application is to see what can be done to alleviate some of the

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maintenance by taking the creek back to where it was thus reducing the volume of water through a series of ditches.

Councilmember Johnson commented that there will be several hundred feet of culvert and asked who will be responsible for maintenance.

Engineer Perry said the idea is to have naturally functioning culverts and that a portion of the culverts may be under the County's responsibility.

City Manager Stretch indicated there likely will be a partnership agreement for maintenance of the drainage in that area.

Councilmember Marks asked how the City plans on funding the \$130,000 match requirement should the City be successful in securing the grant.

City Manager Stretch explained the \$1.3 million grant does have a 10% match; however will not occur during this fiscal year. Also, the cost will likely be shared with other responsible parties.

Councilmember Wilson pointed out that if the project is planned properly, it could likely expand over more than one fiscal year.

City Manager Stretch stated that this item is being presented as a receive and file matter and no Council action is required at this time.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Approve Repair and Upgrade of City Council Chambers Public Address System for an amount not to exceed \$6,500

City Manager Stretch provided a staff report and stated the City Clerk has been working with Craig Pedley from Sound Advice to evaluate ways to improve the quality of the audio system in the Council Chambers. He said on his initial visit he came into the room and simply clapped his hands and identified the problem with the acoustics. His recommendation included replacement of the current microphones including bases, mute buttons and cables; relocation of the ceiling speakers; placement of an acoustical treatment on the wall behind the Council; and repair of the floor jack connection at the staff table.

City Manager Stretch reported the quote for the equipment and labor is \$6,208.44 and although funds for this project were not included in the 2013-14 budget, \$8,000 was included for the cost of purchasing video equipment and for contract labor with Access Humboldt for the live broadcast of Council meetings. He said he was in contact with Access Humboldt and they provided a quote of \$25,000 for this service. Also, before live streaming can occur, the improvements to the sound system and acoustics should be made. He recommended the balance in the Contract & Professional Services account (5115) be used to implement the improvements

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recommended by Sound Advice and that the matter of live streaming of meetings come back to the Council during the 2014-15 fiscal year for consideration.

Councilmember Wilson asked where the acoustical panels would be located and what they look like. City Manager Stretch explained they would be located on the wall behind the Council dais and that they would look like those in the Fortuna City Council Chambers or Humboldt County Board of Supervisors.

Councilmember Woodall questioned the amount already spent and suggested a cheaper fix would be simply for Council members to speak into their microphones.

Mayor Thompson called for public comment on the issue.

Sharon Wolff commented that the quality of the audio system has been an ongoing issue and said it would help to upgrade the system.

City Manager Stretch pointed out that speaking into the microphones is only part of the problem and the acoustical treatment will prevent sound from bouncing off the walls.

Mayor Thompson said he feels the microphones are the biggest problem and that Councilmembers need to be able to turn off their mics when they are not speaking.

Councilmember Marks said she would like to hear opinions from the audience.

Adam Dias commented that as a musician he has set up audio equipment for probably 250 events. He agreed that the microphones are not the correct type but felt that a \$10.00 filter on each mic would solve the problem. He said the Councilmembers need to speak directly into their mics and suggested shutting the doors and blinds. Also, canvass tends to suck up sound so canvass paintings on the wall may help. He said in his opinion, the acoustical treatment won't help.

Sharon Wolff stated she was highly in favor of any improvement and said she has a mic on her camera when she records the meetings and two additional mics throughout the room and still has to increase the sound level on her computer.

Councilmember Wilson said it sounds like more information is needed before a decision is made to spend \$6,500 on improvements that may or may not work, and said he would rather not see white panels covering the redwood wall.

City Manager Stretch suggested Craig Pedley be invited to attend the next Council meeting to answer questions.

Councilmember Woodall said she would like to try other options first such as filters on the mics.

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Council concurred to purchase the suggested mic filters before inviting Sound Advice to come to a meeting.

City Manager Stretch asked for approval to proceed with the repair to the floor mic jack connection. Council concurred.

Provide City Manager direction on the recruitment of a City Manager/possible retention of a Professional Recruiter

City Manager Stretch provided a staff report and said at the last meeting there was discussion on the recruitment of a replacement City Manager, and the possible retention of a professional recruiter. The question was whether the City Manager conduct the recruitment in-house, requiring projects to be removed from his work plan, or that he stay focused on the work plan and hire a professional recruiter to handle the recruitment. Council directed him to bring back at this meeting, the cost of hiring a professional recruiter, and his current work plan for reprioritization.

City Manager Stretch commented that he has conducted a lot of recruitments and feels he would be most effective however; there are a number of items on his work plan that would be impossible to hand off to a new City Manager.

He proceeded with review of his current work plan with priority items for the next 6 months as highlighted in bold. The priority projects were identified as:

- 1) Work with Architect and City Council on City Hall improvements;
- 2) Review and recommend further amendment to Employee Handbook;
- 3) Prepare new Business License Ordinance and administrative fees; and
- 4) Inventory and prepare recommendations for the sale of surplus City properties.

City Manager Stretch also presented a list of 13 additional items not listed on his original work plan that occurred over the last 6 months; highlighted as priority were 7 of the 13 items.

He said the first item is related to the problem with the water infiltration gallery which is a serious issue that must be resolved. He pointed out that a majority of his day is spent on public works projects and this is actually the first time he has been able to identify and realize that he is not going to be able to achieve everything on his work plan over the next 6 months.

Inasmuch as there are several important projects underway that must be completed, he concluded that the best approach is to hire a professional recruiter to conduct the City Manager recruitment. He said the cost is estimated between \$17,000 and \$25,000 and in addition to this expense will be the cost for candidate travel and lodging expenses, and the cost for the background investigation. He said included in the 2013-14 budget is \$17,500 for recruitments costs so additional funds will need to be taken from General Fund Reserves.

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Councilmember Marks suggested the update of the Business License Ordinance be eliminated from the work plan as a priority, and that the recruitment of the Finance Director be incorporated into the City Manager recruitment.

City Manager Stretch commented that the Business License Ordinance update is 85% complete, and said the City Manager is responsible for hiring the Finance Director and felt it should be done before recruitment of the new City Manager.

Mayor Thompson said he supports the idea of hiring a professional recruiter however; it will be important to bring the City Manager in at some point during the recruitment because of his vast knowledge of the City.

City Manager Stretch stated that he will do whatever he can to help with the recruitment process but pointed out that the value of getting the work plan closer to completion is worth more than the cost of a professional recruiter.

The consensus of the Council was to hire a professional recruiter and that the City Manager focus on completing as many tasks on the work plan as possible.

City Manager Stretch stated he spoke with several professional recruiting firms and many of them are not interested in contracting with cities of this size. He said he did receive a response from Avery Associates expressing their willingness to provide their services and was waiting for responses from 2 additional firms. He said he would like to invite Avery Associates and possibly other firms to attend a study session to discuss with the Council, their recruitment strategy. Also, although he has identified what he believes are priority items on his work plan, he wants to make sure they are also the City Council's priorities to make sure those items are carried on.

The Council concurred to schedule a study session for 6:00 p.m. prior to the next regular meeting on December 17, 2013.

Motion was made by Wilson/Johnson to direct the City Manager to proceed with the hiring of a professional recruiter for replacement of the City Manager and to schedule a study session for 6:00 p.m. on December 17, 2013 for further review and possible revision of the priorities as defined in the City Manager Work Plan. Motion carried 5-0.

Mayor Thompson called for a 10 recess at 8:05 p.m.

The meeting reconvened at 8:15 p.m.

Authorize the Chief of Police to execute contract with the Phoenix Information Services Group for Parking Citation Processing Services

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Chief of Police Hill provided a staff report and stated that based on concerns expressed by members of the community and the City Council, the police department will be taking a more proactive approach with regard to parking enforcement. He said he researched local parking enforcement programs and practices by other local agencies and learned that three of the local agencies use the services of Phoenix Information Services Group. Basically, what they do is process the citations, collect fees, and handle disputes for a monthly fee of \$136.00 based on citation volume and services required. He said he believes there will be sufficient violations to cover the fees required to retain the service. He explained that Phoenix Information Services Group has a relationship with the Department of Motor Vehicles so in the event that parking citations are not paid; a hold is placed on the person's vehicle registration. He said another positive feature is that payments are deposited directly into the City's bank account daily with immediate notification of deposited funds by email. He said if it turns out that the program is not cost effective, the contract can be terminated.

Councilmember Woodall asked what the time period is regarding termination of the contract. Chief Hill said the contract requires 60 days notification by either party so the City cannot be trapped into a long-term arrangement.

Councilmember Marks asked if the officers will be running license plates and checking for outstanding warrants as part of the process for issuing parking citations. Chief Hill said they may or may not depending on the situation but that it is a separate issue.

Councilmember Wilson asked if the department will be targeting vehicles parked on the street that haven't been moved for an extended period of time. Chief Hill said they won't target those vehicles but if they come across a vehicle that obviously has not moved, they will issue a citation. He indicated that the department tows several abandoned vehicles each year and encouraged anyone who is aware of any, to notify the police department.

Councilmember Marks asked how the daily deposits will affect the finance department. Finance Director Beauchaine responded that it will not be a problem.

Mayor Thompson called for public comment on the proposed contract.

Gary Chapman, 921 Hilda Ct. commented that the State imposed a fee of \$1.50 which is added to every ticket to help pay to keep jails operating and asked who will be collecting that portion of the fee. Chief Hill commented that he wasn't entirely sure but assumed the Phoenix Information Services Group will be collecting all fees related to parking citations. He said he will follow up for clarification.

Richard Newman, 670 Second Ave. commented that there are a lot of citizens who have been violating the law for so long that they don't know what is legal and what is not anymore.

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Council suggested information be sent to residents prior to enforcement, perhaps through the City Newsletter.

Motion was made by Johnson/Woodall to authorize the Chief of Police to execute a contract with the Phoenix Information Services Group for parking citation processing services. Motion carried 5-0.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Introduce and Conduct First Reading (by title only) of Ordinance No. 302-2013 Establishing Parkland Dedication Regulations, Section 17.30.190 of the Rio Dell Municipal Code

Community Development Director Caldwell provided a staff report and explained in 2009, the City established Parkland Dedication fees for subdivisions subject to the Planned Development combining zone at \$1,500 per dwelling unit. At that time, the Council directed the Contract Planner to prepare and return to the Council with a recommendation regarding implementation of fees on other new construction. When staff recently discovered that this was not done, the concept was taken to the Council and the Council reaffirmed its desire to implement Parkland Dedication fees for all residential subdivisions. He said in order to implement these requirements; the City had to update its Open Space Element to include policies calling for the establishment of Parkland Dedication requirements. With the recent adoption of the Open Space Element, the draft ordinance is now being introduced.

Community Development Director Caldwell reported that the Quimby Act set the ratio of 5 acres of parkland per thousand population and based on the current amount of parkland in the City, it is woefully inadequate. He clarified that Parkland Dedication fees can only be used for acquisition and development of parkland; not maintenance.

A public hearing was opened at 8:42 p.m. to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Councilmember Johnson asked if this will apply to the proposed Danco Project based on the number of units constructed. Community Development Director Caldwell explained that it will only apply to new subdivisions; since Danco will be building on one existing parcel, the provisions will not apply.

Motion was made by Woodall/Marks to introduce *Ordinance No. 302-2013 Establishing Parkland Dedication Regulations, Section 17.30.190 of the Rio Dell Municipal Code*, and to consider consideration, approval and adoption of the proposed Ordinance to the December 17, 2013 regular meeting. Motion carried 5-0.

Introduce and Conduct First Reading (by title only) of Ordinance No. 305-2013 Amending Current Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code

DECEMBER 3, 2013 MINUTES
Page 11

Community Development Director Caldwell provided a staff report and said the proposed amendments to the Parking Regulations were presented to the Planning Commission on August 25, 2013, at such time they recommended that the Council adopt the three amendments as recommended by staff. On September 3, 2013, the proposed amendments were presented to the City Council for consideration. During discussion, the Council expressed concerns regarding the on-street parking of recreational vehicles, including boats and trailers and felt that the parking of these vehicles should be restricted in all zones, not just residential zones, and also whether or not the 72 hour limit is too long.

The other concern had to do with parking requirements for one bedroom and studio units in low to moderate income senior housing projects. He said based on these concerns, the Council directed staff to take the matter back to the Planning Commission for further discussion and recommendation.

Community Development Director Caldwell stated the concerns were presented to the Planning Commission at their October 23, 2013 meeting and after further discussion, the Commission concurred that the 72 hour limit should apply to all zones. He said in regard to the 72 hour period, the Planning Commission felt it is a reasonable amount of time to allow the temporary parking of trailers and recreational vehicles in all zones except for in the Town Center zone along Wildwood Ave. in which they recommended a 24 hour limit.

The Planning Commission also concurred with staff and the Council that $\frac{3}{4}$ of a parking space per one bedroom or studio senior units is appropriate rather than the $\frac{1}{2}$ space as originally recommended by staff.

Community Development Director Caldwell stated the only issue for the Council to consider at this time is whether recreational vehicles in the Town Center zone along Wildwood Ave. should be limited to 24 hour parking.

Councilmember Johnson questioned whether there were any public comments made during the Planning Commission public hearing. Community Development Director Caldwell noted there were no comments received.

Councilmember Wilson asked if the 24 hour parking applies semi-trucks and trailers. Staff responded that this provision has nothing to do with commercial vehicles.

Mayor Thompson opened the public hearing at 8:56 p.m. to receive public comment on the proposed Ordinance amendment. There being no public comment, the public hearing closed.

Motion was made by Johnson/Wilson to introduce *Ordinance No. 305-2013 Amending the Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code* and to continue

consideration, approval and adoption of the proposed Ordinance to the December 17, 2013 regular meeting for the second reading and adoption. Motion carried 5-0.

At this time, Wastewater Superintendent Chicora provided a brief staff report so he could be excused to attend to a problem at the wastewater treatment plant.

He continued with an update on the Wastewater Treatment Plant Upgrade and Disposal Project and said the contractors are in the process wrapping up the final details of the project and working on tying in the pipeline and sending water over to the wastewater treatment plant.

Wastewater Superintendent Chicora was excused and left the meeting at 8:59 p.m.

Introduce and Conduct First Reading (by title only) of Ordinance No. 309-2013 Amending the Current Design Review Regulations, Section 17.25.050(3) of the Rio Dell Municipal Code
Community Development Director Caldwell provided a staff report and said this item relates to exemptions from the Design Review Conditional Use Permit provision for projects that do not require Building Permits such as the placement of storage sheds on commercial lots. He explained the intent of the Design Review regulations is to make sure that any commercial development, especially on Wildwood Ave. compliments and is compatible with the character of the surrounding area.

He said because of a recent situation regarding the placement of a pre-constructed shed on a commercial lot in the Town Center zone, where the property owner expressed frustration and refused to apply for the Design Review Conditional Use Permit and pay the required \$500 deposit, staff reviewed the current regulations and is recommending amendment to the current provisions to exempt projects provided the improvements employ the same materials, colors and design as the existing construction; are compatible with the character of the surrounding area; and are not detrimental to the value of properties in the area or reduce the visual appearance of the area.

Mayor Thompson opened the public hearing at 9:04 p.m. to receive public comment on the proposed amendment. There being no public comment, the public hearing closed.

Motion was made by Marks/Johnson to introduce Ordinance No. 309-2013 *Amending the Design Review Regulations, Section 17.25.050 of the Rio Dell Municipal Code* and to continue consideration, approval and adoption of the Ordinance to the December 17, 2013 regular meeting for the second reading and adoption. Motion carried 5-0.

Introduce and Conduct First Reading (by title only) of Ordinance No. 310-2013 Amending Council Meeting Regulations, Section 2.05.070 (Holidays) of the Rio Dell Municipal Code
City Manager Stretch provided a staff report and said the proposed amendment deletes any reference to rescheduling a Council meeting if it occurs on an election day since it no longer makes sense with the City Council Chambers no longer being used as a polling place.

DECEMBER 3, 2013 MINUTES
Page 13

A public hearing was opened at 9:06 p.m. to receive public comment on the proposed amendment. There being no public comment, the public hearing closed.

Motion was made by Woodall/Johnson to introduce *Ordinance No. 310-2013 Amending Council Meeting Regulations, Section 2.05.070 (Holidays) of the Rio Dell Municipal Code* and to continue approval and adoption of the Ordinance to the December 17, 2013 regular meeting. Motion carried 5-0.

Introduce and Conduct First Reading (by title only) of Ordinance No. 311-2013 Amending Current Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code
Community Development Director Caldwell provided a staff report and explained that he recently assumed some of the City's code enforcement responsibilities and in doing so, he identified some needed minor revisions to the current Nuisance Ordinance.

He then provided a review of the proposed revisions and said the first revision includes adding the definition of "Driveway" and "Improved Surface". Also, to correct some minor grammatical revisions and to recommend that the required contents of the Notice and Order to Abate be expanded to provide full disclosure of the process and consequences of failing to comply with the said Notice.

A public hearing was opened at 9:10 p.m. to receive public comment on the proposed ordinance revisions. There being no public comment, the public hearing closed.

Council members had questions regarding the appeal fee and other fees contained within the ordinance.

Staff stated the appeal fee was established by Resolution and although the goal is to remove fees and put them into resolutions, there are some fees and charges that are required by law to be included in ordinances.

Councilmember Wilson asked what the definition is of "gravel". Community Development Director Caldwell commented that he is not certain that there is a definition but said perhaps it could be described as "granule rock surface".

Councilmember Wilson then asked what is considered an "all-weather surface" and if it is a problem for recreational vehicles to be parked in the backyard of a residence on grass while not in use.

Community Development Director Caldwell said an all-weather surface is basically something that does not create mud, and provided the RV parked in grass does not create an obvious problem, there shouldn't be an issue.

DECEMBER 3, 2013 MINUTES
Page 14

A public hearing was opened at 9:15 p.m. to receive public comment on the proposed amendments. There being no public comment, the public hearing closed.

City Manager Stretch referred to page 243 of the Council packet under: **4. Payment of Appeal Fee** and suggested the language be revised to say "a nonrefundable appeal fee of \$125,00 as established by resolution".

Motion was made by Woodall/Marks to introduce *Ordinance No. 311-2013 Amending the Current Nuisance Regulations, Chapter 8.10 of the Rio Dell Municipal Code* as amended, and to continue consideration, approval and adoption of the Ordinance to the December 17, 2013 meeting. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Stretch reported on recent activities and stated the Council, at the last meeting approved the concept of contracting with Humboldt Waste Management Authority (HWMA) for Recycling Program Administration and hopefully he will have the contract on the next agenda for consideration.

Councilmember Johnson asked about the status of the next City newsletter. Community Development Director Caldwell commented the plan is to have it out before Christmas.

Chief of Police Hill reported on recent activities in the police department and announced that Sergeant Wiener had resigned his position but agreed to stay on as a Records Clerk at the police department on a part-time basis. He also reported that Officer John Beauchaine was promoted to Sergeant and that he had started the background on a potential police officer candidate. He also reported that he altered his shift and would be working 10 hour shifts Tuesday – Friday.

Councilmember Johnson asked about the status of the river bar access surveys. Chief Hill said the surveys have stopped coming in and he would be tabulating the results and have a report at the next Council meeting.

Councilmember Marks asked if the job opening for Police Officer was posted. Chief Hill stated the candidate he is doing background on has been interviewed previously and is a viable candidate. In the event he does not pass the background check, he will proceed with another hiring process.

Community Development Director Caldwell reported on activities in the Community Development Department and said he will begin working on the update of the Housing Element; and on the next Planning Commission agenda he will be presenting for consideration, amendment to the Home Occupation Permit regulations; amendment to the Design Review

regulations; establishment of Cottage Industry regulations; and hopefully will continue review and discussion of the Land Use Matrix.

Finance Director Beauchaine reported on activities in the finance department and said she has been very busy training new staff and drafting her exit strategy.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Johnson reported on recent meetings and said at the last HCAOG meeting there were several items on the agenda. In regard to the 101 Corridor Project and removal of signs, he said CalTrans set aside \$2 million to remove signs which will only fund the removal of 8 signs. He commented that provisions were set by the Coastal zone to buy into the project. He also reported that HCAOG has designed a booklet titled "Imagine Humboldt" and addresses how we want the County to look over the next forth years. He said "VROOM" (Variety in Rural Options of Mobility) is HCAOG's 5-year update of the Regional Transportation Plan identifies several projects for the City of Rio Dell and said the draft document is in the review period through December and is available on their web site for anyone interested in reviewing or providing input.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 9:30 p.m. to the December 17, 2013 regular meeting.

Jack Thompson, Mayor

Attest:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, Ca 95562
(707) 764-3532



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
December 17, 2013**

TO: Mayor and Members of the City Council
THROUGH: Jim ~~Stretch~~, City Manager
FROM: Rick Chicora, Wastewater Superintendent
DATE: December 17, 2013
SUBJECT: **Bio Solids Giveaway Program**

RECOMMENDATIONS

Authorize the giveaway of the wastewater plant's Exceptional Quality Class A Bio Solids to City residents as first priority, and to other county residents as a second priority if required to dispose of excess biosolids product.

BACKGROUND AND DISCUSSION

As the Council may recall, the City entered into an agreement with Hank Brenard Environmental to purchase our biosolids for \$40.00 a ton. After a number of attempts to reach him failed, we contacted several landscaping businesses, but could not find a market for our product. During this period, the biosolids product has been accumulating and now has become a burden. We would like the Council's permission to go in a different direction.

After exploring different ideas with other plant operators in the area, it is proposed that the City establish a program similar to Fortuna's whereby we offer our Class A biosolids to City residents free, with proof of residency, on a first come first serve basis. If we get to a point where the demand for the product is less than our production, then the program would be expanded to Humboldt County residents outside of the City.

Staff proposes to advertise these giveaways on the City's website and will post the event around the community. If that doesn't produce satisfactory results, we can advertise in the Humboldt Beacon. Each person that comes to the plant at the Corporation Yard to receive the biosolids would be required to sign the attached hold harmless (release of liability) agreement, and supply a tarp to cover the material during transport.

Since the plant only produces about 2 yards of biosolids a week, these free events would generally occur every few months. The free biosolids events will occur during the normal work week at the Corporation Yard, so no additional staff cost will occur.

BUDGETARY IMPACT

No revenue from the sale of biosolids was anticipated in the 2013-14 budget and no extra salaries are to be paid to administer the program. Thus, there is no financial impact from the program. However, there would be a budget impact if we have to pay to dispose of the material.

ATTACHMENTS:

1. Hold Harmless Agreement
2. Newspaper Ad if required

HOLD HARMLESS, INDEMNIFICATION, AND RELEASE AGREEMENT

This Agreement is executed on this _____ day of _____, 2013, by and between the City of Rio Dell, a municipal corporation of the State of California, hereinafter called CITY, and _____, herein called RELEASOR.

WITNESSETH

WHEREAS, City produces biosolids from its wastewater treatment facility, which solids are regulated by the California EPA (Cal EPA) and the North Coast Regional Water Quality Control Board (NCRWQCB); and

WHEREAS, said biosolids meet the "Class A, Exceptional Quality" criteria of the Cal EPA 503 Regulations, with regards to concentrations of regulated metals, pathogen reduction, and vector attractions reduction; and

WHEREAS, Releasor desires to receive from City said biosolids for their personal application, and

WHEREAS, City is requiring Releasor to enter into this Hold Harmless, Indemnification, and Release Agreement for the receipt of said biosolids as specified herein;

Now, THEREFORE, it is MUTUALLY AGREED as follows:

Releasor, their successors and assigns, in consideration of City agreeing to give free of charges Releasor biosolids, agrees to indemnify, release, hold harmless and to defend the City, its officers, officials, employees and agents from and against any and all claims for damages, losses and expenses, including attorney fees arising out of Releasor's use of biosolids described herein, which may be made by reason of death, personal injury or damage to property sustained by any person, firm, or corporation, arising directly or indirectly from or in connection with claims related to possession or use of biosolids..

I agree, for myself, my successors and assigns, to indemnify, release, hold harmless and to defend the City, its officers, officials, employees, and agents from and against any and all claims for damages, losses, and expenses including attorney fees arising out of the application of biosolids to my land, which may be made by reason of death, personal injury, or damage to property sustained by any person, firm, or corporation, arising directly or indirectly from or in connection with claims related to the possession or application of biosolids to my land.

This release is intended to discharge the City, its officers, officials, and employees from and against any and all liability arising out of or connected in any way with the application of biosolids to my land, even though that liability may arise out of negligence or carelessness on the part of the City of its officials, officers, employees or agents.

In witness whereof, the parties hereto have caused this Agreement to be executed the day and year first above written.

Signed:

Dated:

Wastewater Superintendent
City of Rio Dell

Releasor Signature

Print Name and Address:

Name: _____ Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

Address where biosolids product will be applied as soil amendment _____

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



To: Karen Dunham, City Clerk
From: Rick Chicora, Wastewater Superintendent
Date: 12/10/13
Subject: Ad for Rio Dell Bio Solids Giveaway

Could you please arrange to have this ad appear in the Humboldt Beacon.

The City of Rio Dell will be hosting a week long give away of biosolids for Rio Dell residents only on Monday January 6th thru 10th or until the supply is gone. The availability of the biosolids product will be on a first come first serve basis and quantities per trip, parcel or residence may be limited by the City.

This Exceptional Quality Class A Biosolids is intended for the beneficial reuse as a soil amendment at a place of residence and may not be sold or applied on a property other than the property identified in the release of liability. Loading hours will be 9:00 am to 3:30 pm each day at the Rio Dell Wastewater Treatment Plant which is located at 475 Hilltop Drive, Rio Dell, CA.

All persons that appear to receive a load of biosolids must sign a "hold harmless" release of liability and provide proof of residency if it is a City only noticed event. Drivers must have tarps for covering the material while transporting from the facility. More information is available by calling 764-5754.

675 Wildwood Avenue
Rio Dell, Ca 95562
(707) 764-3532



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
DECEMBER 17, 2013**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager

FROM: Stephanie Beauchaine, Finance Director

DATE: November 4, 2013

SUBJECT: GASB Statement No. 54 Fund Balance Classification

RECOMMENDATIONS

Approve Resolution No. 1214-2013 Fund Balance Classification Policy

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

In February of 2009 the Governmental Accounting Standards Board adopted GASB Statement No. 54 Fund Balance Reporting and Governmental Fund Type Definitions.

The objective of this Statement is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions. This Statement establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in governmental funds.

The initial distinction that is made in reporting fund balance information is identifying amounts that are considered non-spendable, such as fund balance associated with inventories. This Statement also provides for additional classification as restricted, committed, assigned, and unassigned based on the relative strength of the constraints that control how specific amounts can be spent.

The restricted fund balance category includes amounts that can be spent only for the specific purposes stipulated by constitution, external resource providers, or through enabling legislation. The committed fund balance classification includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority. Amounts in the assigned fund balance classification are intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or

committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed. Unassigned fund balance is the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications. In other funds, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned. Governments are required to disclose information about the processes through which constraints are imposed on amounts in the committed and assigned classifications.

Governments also are required to classify and report amounts in the appropriate fund balance classifications by applying their accounting policies that determine whether restricted, committed, assigned, and unassigned amounts are considered to have been spent. Disclosure of the policies in the notes to the financial statements is required.

This Statement also provides guidance for classifying stabilization amounts on the face of the balance sheet and requires disclosure of certain information about stabilization arrangements in the notes to the financial statements.

The definitions of the general fund, special revenue fund type, capital projects fund type, debt service fund type, and permanent fund type are clarified by the provisions in this Statement. Interpretations of certain terms within the definition of the special revenue fund type have been provided and, for some governments, those interpretations may affect the activities they choose to report in those funds. The capital projects fund type definition also was clarified for better alignment with the needs of preparers and users. Definitions of other governmental fund types also have been modified for clarity and consistency.

The requirements of this Statement are effective for financial statements for periods beginning after June 15, 2010. Early implementation is encouraged. Fund balance reclassifications made to conform to the provisions of this Statement should be applied retroactively by restating fund balance for all prior periods presented.

GASB Statement No. 54 was implemented 6/30/2010, but a formal policy of compliance was never adopted.

**RESOLUTION NO. 1214-2013
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
ESTABLISHING A FUND BALANCE
CLASSIFICATION POLICY**

WHEREAS, the Governmental Accounting Standards Board adopted GASB Statement No. 54 Fund Balance Reporting and Governmental Fund Type Definitions to enhance the usefulness of fund balance information; and

WHEREAS, GASB Statement No. 54 became effective for all Financial Statements following June 15, 2010; and

WHEREAS, the City has been in compliance since the effective date but would like to formally document the City's policy of adherence; and

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby adopt the following Fund Balance Classification Policy:

At year-end, restricted fund balances for specific purposes are determined (excluding non-spendable amounts). Remaining Fund Balance, considered spendable, is classified as committed, assigned or unassigned categories depending upon the intended use of the balances. Fund balance amounts for other governmental funds are classified as restricted or committed depending upon the purpose and restrictions imposed on each specific fund. The City applies expenditures to the most restrictive available balances first, and then less restricted funds as required.

PASSED AND ADOPTED by the City of Rio Dell on this 17th day of December, 2013.

Ayes:

Noes:

Abstain:

Absent:

Jack Thompson, Mayor

ATTEST:

Karen Dunham, City Clerk


675 Wildwood Avenue
Rio Dell, Ca 95562
(707) 764-3532



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
DECEMBER 17, 2013**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager

FROM: Stephanie Beauchaine, Finance Director 

DATE: December 11, 2013

SUBJECT: Mid-Year Budget Adjustments

RECOMMENDATIONS

Approve Resolution No. 1215-2013 Mid-Year Budget Amendment

BACKGROUND AND DISCUSSION

Staff has prepared a budget amendment for the Council's approval that includes several projects, most of which have been previously approved by the Council. Ordinarily, this amendment would take place during the mid-year review, but due to the anticipated Finance Director vacancy, we have prepared it in advance. We have reviewed revenues and expenses, but it is too early in the year to prepare a complete mid-year review, as we are lacking two months worth of data at this point (November and December reconciled revenues and expenses.) However, we do not anticipate any adjustments at this time in addition to what we have prepared. Included in the proposed budget amendment are the following;

1. WWTP Project Capital Purchases previously approved by the City Council in the amount of \$31,126 to be funded by Fund 52 Reserves;
2. Bartle Wells Contract carryover (from previous year) and an additional \$5,000 to complete the Prop 218 Rate Increase process in the absence of the Finance Director to be funded by Fund 52 Reserves;
3. The City's RSTP/Streets Apportionment was higher than anticipated so we have increased revenues by \$4,171 which will be contributed to reserves if not allocated during the year;
4. Wildwood Streetscape TE Project expenditures in the amount of \$30,000 to be paid for by General Fund reserves. Previously approved by the Council;
5. The City's TDA Allocation was also higher than anticipated and we have adjusted revenues and reserves by \$14,013.

6. Spring & Ogle Culvert Replacement carryover from the prior year increases current year expenditures by \$6,700. This item was approved in last year's budget and is funded by Gas Tax Fund 20 reserves;
7. The CDBG Belleview Ogle Drainage Study grant in the amount of \$100,000 has been included as well as the \$5,000 match from the General Fund;
8. WWTP Project Capital Purchases previously approved by the City Council in the amount of \$16,971 to be funded by Fund 52 Reserves;
9. Wesley Anderson Appraisal Services approved by the Council to be paid with Water Operating Fund 60 reserves;
10. GHD Proposition 84 Grant Fund application approved by the Council paid for by General Fund reserves in the amount of \$5,000;
11. Administrative Vehicle Intergovernmental Services Funds Revenues and Expenses in the amount of \$5,000;
12. Community Christmas lights to be paid from General Fund reserves in the amount of \$5,000;
13. City Manager recruitment approved by the Council totaling \$27,000 apportioned to each of the major operating fund reserves.

SUMMARY OF FUND CHANGES

Attached to this report is the projected Reserve Balance Summary by Fund for July 1, 2014 and a Post Mid-Year Adjustment Summary by Fund for the same period, based on the adjustments in this report. By fund type, the projected ending reserve balances are as follows:

	<u>Projected reserve balance for 7-1-14 in Final Budget</u>	<u>Projected reserve balance for 7-1-14 after mid-year adjustments</u>	<u>\$ Change</u>
General Fund	\$1,114,092	\$1,063,422	\$(50,670)
Sewer Fund	1,188,299	1,121,031	(67,268)
Spec. Rev. Funds	218,134	218,134	-----
Street Funds	127,312	154,593	27,281
Water Fund	21,760	9,310	(12,450)
Total Reserve			
Balance	\$2,669,597	\$2,566,490	\$(103,107)

SPECIFIC BUDGETARY IMPACT

Adoption of Resolution No. 1215-2013 will increase revenues and expenditures in several funds. The Sewer Operations Fund 50 will increase expenditures by \$10,800 and allocate reserves in the same amount, Fund 52 Sewer Capital will increase expenditures by \$56,468 and allocate reserves in the same amount, ISTEAs Streets will increase revenues in the amount of \$4,171 to be contributed to reserves, an additional \$30,000 will be allocated to Fund 47 STIP/Streets for the Wildwood TE Project from the General Fund, Fund 24 TDA/Streets will increase revenues by \$14,013, increase expenditures by \$675 for the City Manager recruitment, and \$13,338 will be contributed to reserves, CDBG Fund 37 will increase revenues by \$105,000 and expenditures in the same amount for the CDBG PTA Grant for the Belleview/Ogle Drainage Study. Water Operations Fund 60 will increase expenses by \$12,450 for appraisal services and a portion of the City Manager recruitment, both to be paid for by reserve funds. General Fund Expenditures will

increase in the amount of \$50,670 to fund several projects including contributions to the Wildwood TE Project, and the Belleview/Ogle Drainage Study. It will pay for a portion of the City Manager Recruitment, completion of the Prop 84 Grant application, and community Christmas lights. Fund 5 Administrative Vehicle Intergovernmental Services Fund will be established and record \$5,000 in revenues and expenditures.

**RESOLUTION NO. 1215-2013
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
MID YEAR BIDGET ADJUSTMENT
AMENDING RESOLUTION NO. 1206-2013
ADOPTING THE OPERATING & CAPITAL BUDGET
FOR THE FISCAL-YEAR 2013-2014**

WHEREAS, the City adopted Resolution 1206-2013 establishing the City's Operating and Capital Budget for the Fiscal-Year 2013-2014; and

WHEREAS, the City is in the process of mid-year budget review and identified additional revenues and expenditures that should be included to update the 2013-2014 fiscal-year budget; and

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby amend the City of Rio Dell 2013-2014 Operating & Capital Budget increasing revenues and expenditures in the amount of \$261,352 as follows:

1	WWTP Project Capital Purchases	31,126.00	52	6500-14-052-0000-0131
		(31,126.00)	52	4999-14-052 Reserves
2	Bartle Wells Contract Carryover & New Services	8,371.00	52	5115-14-052-0000-0177
		(8,371.00)	52	4999-14-052 Reserves
3	RSTP Apportionment	(4,171.00)	26	4712-00-026
		4,171.00	26	8000-00-026 Reserves
	Wildwood Streetscape Te Project Construction			
4	Contingency	30,000.00	47	6500-14-047-1029-0159
		(30,000.00)	0	4999-14-000 Reserves
5	Increased TDA Allocation	(14,013.00)	24	4045-00-024
		14,013.00	24	8000-00-024
6	Spring & Ogle- Carryover From prior Year	6,700.00	20	5108-00-020
		(6,700.00)	20	4999-00-020
7	CDBG PTA Grant- Ogle/Belleview Drainage	(100,000.00)	37	4720-14-037-1035-0179
		(5,000.00)	0	4999-14-000
		99,900.00	37	5514-14-037-1035-0179
		5,100.00	37	5000-14-037-1035-0179
8	WWTP Capital Purchases	16,970.58	52	6500-14-052-0000-0131
		(16,970.58)	52	4999-14-052
9	Wesley Anderson Appraisal	3,000.00	60	5115-09-060
		(3,000.00)	60	4999-00-060
10	GHD Prop 84 Grant Application	5,000.00	0	5514-09-000
		(5,000.00)	0	4999-00-000 Reserves
11	Administrative Vehicle IGSF	(5,000.00)	5	4197-00-005
		5,000.00	5	5212-05-005
12	Christmas Lights Budget	5,000.00	0	5106-12-000
		(5,000.00)	0	4999-00-000 Reserves

13	City Manager Recruitment	5,670.00	0	5080-02-000
		405.00	20	5080-02-020
		675.00	24	5080-02-024
		10,800.00	50	5080-02-050
		9,450.00	60	5080-02-060
		(5,670.00)	0	4999-00-000 Reserves
		(405.00)	20	4999-00-020 Reserves
		(675.00)	24	4999-00-024 Reserves
		(10,800.00)	50	4999-00-050 Reserves
		(9,450.00)	60	4999-00-060 Reserves

PASSED AND ADOPTED by the City of Rio Dell on this 17th day of December, 2013.

Ayes:

Noes:

Abstain:

Absent:

Jack Thompson, Mayor

ATTEST:

Karen Dunham, City Clerk

City of Rio Dell
Projected Reserve Balance Summary Schedule
Fiscal Year 2013-2014


Fund	Projected Beginning Reserve Balance July 1, 2013	Projected Operations Revenue FY 2013-2014	Projected Operations Expenditures FY 2013-2014	Projected Capital Revenue FY 2013-2014	Projected Capital Expenditures FY 2013-2014	Transfer In	Transfer Out	Projected Ending Reserve Balance July 1, 2014	Minimum Reserve Balance 30%	Minimum Reserve Balance 15%
GF 0 General Fund	1,181,743	818,636	807,439	-	81,000	2,152		1,114,092	245,591	122,795
Total General Fund Reserves	1,181,743							1,114,092	245,591	122,795
S 50 Sewer	131,181	689,208	615,694	-	45,374			159,321	388,716	103,381
S 52 Sewer Capital	(180,956)			3,891,090	3,736,974	415,556		13,574		
S 53 Sewer Assessment District	16,539			28,785	31,750					
S 54 Sewer Debt Service	756,560			323,184	37,500		415,556	626,688		
Total Sewer Fund Reserves	723,324							1,188,299	206,762	103,381
SRF 15 Parks and Recreation	7,505			6,000		256		13,761		
SRF 27 Solid Waste	28,898	8,600	8,600					28,898		
SRF 39 CDBG	156,077			5,120	5,120			156,077		
SRF 40 SLESF	68,607	100,000	100,000		67,250			1,357		
SRF 43 Vehicle abatement	255		255					0		
SRF 74 Recycling	15,283	1,900	1,900					15,283		
SRF 90 Downtown Plaza Development	435						435	0		
SRF 91 Disaster Donation Trust	146						146	0		
SRF 92 Animal Care Facility	500						500	0		
SRF 93 Spayed & Nueter Fund	2,759						2,759			
SRF 94 Parks & Recreation Fundraising	256						256	(0)		
SRF 95 Anniversary Fund	1,071						1,071	(0)		
Total Special Revenue Fund Reserve	281,791							218,134	-	-
STR 20 Gas Tax	161,919	103,464	125,979	-	171,440	156,995		124,959	31,039	15,520
STR 24 TDA	(9,789)	103,238	71,096	-	20,000			2,353	30,971	15,486
STR 26 ISTE A	61,505	21,000	16,877				65,627	0	6,300	3,150
STR 29 TCRF	68,753						68,753	(0)		
STR 47 STIP	54,415			643,563	675,363		22,615	(0)		
Total Street Funds Reserves	336,803							127,312	68,311	34,155
W 60 Water	160,999	544,147	531,321	-	7,374	144,691		21,760	163,244	81,622
W 61 Water Capital	30,659			134,000	309,350			0		
Total Water Fund Reserves	191,658							21,760	163,244	81,622
Grand Total Reserve Balance	2,715,319	2,390,193	2,279,162	5,031,742	5,188,496	719,650	719,650	2,669,597	683,908	341,954

City of Rio Dell
Projected Reserve Balance Summary Schedule
Post Mid Year Adjustment
Fiscal Year 2013-2014

Fund	Projected Beginning Reserve Balance July 1, 2013	Projected Operations Revenue FY 2013-2014	Projected Operations Expenditures FY 2013-2014	Projected Capital Revenue FY 2013-2014	Projected Capital Expenditures FY 2013-2014	Transfer In	Transfer Out	Projected Ending Reserve Balance July 1, 2014	Minimum Reserve Balance 30%	Minimum Reserve Balance 15%
GF 0 General Fund	1,181,743	818,636	823,109	-	81,000	2,152	35,000	1,063,422	245,591	122,795
Administrative Vehicle										
IGSF 5 Intergovernmental service Fund	-	5,000	5,000	-	-	-	-	-	-	-
Total General Fund Reserves	1,181,743	689,208	626,494	-	45,374	415,556	415,556	1,063,422	245,591	122,795
S 50 Sewer	131,181				3,793,442			148,521	332,248	103,381
S 52 Sewer Capital	(180,956)				31,750			13,574		
S 53 Sewer Assessment District	16,539				37,500			626,688		
S 54 Sewer Debt Service	756,560									
Total Sewer Fund Reserves	723,324							1,121,031	206,762	103,381
SRF 15 Parks and Recreation	7,505					256		13,761		
SRF 27 Solid Waste	28,898							28,898		
SRF 37 CDBG	-	8,600			105,000	5,000		-		
SRF 39 CDBG	156,077				5,120			156,077		
SRF 40 SLESF	68,607	100,000			67,250			1,357		
SRF 43 Vehicle abatement	255							0		
SRF 74 Recycling	15,283	1,900						15,283		
SRF 90 Downtown Plaza Development	435							0		
SRF 91 Disaster Donation Trust	146							0		
SRF 92 Animal Care Facility	500							0		
SRF 93 Spayed & Nueter Fund	2,759							2,759		
SRF 94 Parks & Recreation Fundraising	256							256		
SRF 95 Anniversary Fund	1,071							(0)		
Total Special Revenue Fund Reserve	281,791	103,464	126,384	-	178,140	156,995	156,995	218,134	-	-
STR 20 Gas Tax	161,919	117,251	71,771		20,000			117,854	31,039	15,520
STR 24 TDA	(9,789)							15,691	35,175	17,588
STR 26 ISTEAF	61,505	25,171						21,049	7,551	3,776
STR 29 TCRF	68,753							(0)		
STR 47 STIP	54,415				705,363	30,000		(0)		
Total Street Funds Reserves	336,803	544,147	543,771	-	7,374	144,691	144,691	154,593	73,766	36,883
W 60 Water	160,999				309,350			9,310	163,244	81,622
W 61 Water Capital	30,659							0		
Total Water Fund Reserves	191,658	2,413,377	2,307,284	5,131,742	5,386,664	754,650	754,650	2,566,490	689,363	344,682
Grand Total Reserve Balance	2,715,319									

For Meeting of: December 17, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: December 11, 2013

Subject: Nuisance Regulations Chapter 8.10 of the Rio Dell Municipal Code (RDMC);
Appointment of Council Members to Hearing Committee

Recommendation:

That the City Council:

1. Appoint two Council Members and an Alternate Council Member to the Nuisance Hearing Committee;

Background/Summary

Staff is pursuing the abatement of what appears to be abandoned, wrecked, dismantled or inoperative vehicles and parts from a parcel located at 909 Martin Drive. The Nuisance Regulations provide for the opportunity for the property owner to appeal the Notice of Violation for Abandoned or Inoperable Vehicles. In addition, property owners have opportunity to appeal a Notice and Order to Abate a Public Nuisance.

Pursuant to Section 8.10.170(B) of the Nuisance Regulations a Hearing Committee shall be established. The Hearing Committee shall consist of two Members of the City Council and the City Manager, plus one alternate City Council Member to facilitate timely hearings pursuant to this ordinance and resolve any potential conflicts of interest. The alternate City Council

Member shall only participate in appeals where one of the other two City Council Members is unable to serve due to scheduling concerns or a conflict of interest.

Financial Impact

The cost of preparing the Staff Report and appointing Council members to the Hearing Committee is insignificant and will not result in additional budget expenditures or revisions.

Attachments:

1. Section 8.10.170 Appeal Hearing – Notice and Order of the Rio Dell Municipal Code.

Chapter 8.10 Rio Dell Municipal Code
NUISANCES

8.10.170. Appeal Hearing—Notice and Order.

(A) Payment of Appeal Fee. Any person, corporation, or entity seeking to appeal a Notice and Order shall be required to pay to the City, at the time the appeal is requested, a nonrefundable appeal fee to be set by resolution of the City Council. The appeal fee is intended to cover the costs, expenses, and City employees' time incurred by the City in processing, preparing for, and hearing of the appeal. No appeal request is valid unless accompanied by the appeal fee or a City hardship waiver is granted.

(1) **Hardship Waiver.** If the appealing party establishes to the satisfaction of the City Manager or designee, by means of tax returns, pay stubs or other similar documentary evidence, and submits a declaration under penalty of perjury that paying the appeal fee would cause undue financial hardship to the appealing party the City Manager may grant a waiver of the appeal fee. The City Manager's determination is not appealable and shall be final as to the hardship waiver request.

(B) Hearing Committee. The appeal shall be heard by a committee (the "Hearing Committee"). The Hearing Committee shall consist of two Members of the City Council and the City Manager, plus one alternate City Council Member to facilitate timely hearings pursuant to this ordinance and resolve any potential conflicts of interest. The alternate City Council Member shall only participate in appeals where one of the other two City Council Members is unable to serve due to scheduling concerns or a conflict of interest. City Council Members shall be selected to serve on the Hearing Committee at the same time that other committees are formed by the City Council. Committee members shall not participate in the hearing process in cases when the member has had a substantial personal involvement with the party requesting the hearing and that personal involvement is a conflict of interest. The Hearing Committee shall be advised by the City Attorney to ensure proper legal procedures are followed and adhered to.

(C) Setting Appeal Hearing. The appeal hearing shall be set by the City Manager or his or her designee, and notice of the appeal hearing shall be sent to the appellant by first class mail at the address provided with the written appeal request. The appeal hearing shall be set for a date no sooner than twenty (20) days following a request for an appeal hearing. Notice of the appeal hearing shall be mailed at least fifteen (15) days before the date set for hearing.

(D) Conduct of Appeal Hearing.

(1) **Testimony at the Hearing.** At the time set for the appeal hearing, the Hearing Committee shall proceed to hear testimony from the representative of the City, the appellant, and any other competent persons with respect to the determination of a violation and nuisance or the imposition of an administrative penalty.

- (2) Record of Oral Evidence at Hearing. The proceedings at the hearing shall be reported by a tape recording, or video recording. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the requesting party's own expense.
- (3) Continuances. The Hearing Committee may, upon request of the person, corporation, or entity against whom a penalty is to be imposed, or upon request of the City, grant continuances from time to time for extreme or unusual cause shown, or upon the Hearing Committee's own motion.
- (4) Oaths; Certification. The City Clerk or certified shorthand reporter shall administer the oath or affirmation.
- (5) Evidence Rules. Government Code Section 11513, subsections (a), (b), and (c) shall apply to all administrative hearings. At the Hearing Committee's sole discretion, other relevant evidence may be admissible and hearsay evidence may be used for the purpose of supplementing and explaining other evidence.
- (6) Burden of Proof. The accuracy of the Notice and Order containing the description of the violations and/or public nuisance and the actions required to abate such nuisance or violation is deemed a rebuttable presumption and the burden is on the appellant to provide such facts and information to overcome such presumption by a preponderance of the evidence.
- (7) Rights of Parties.
- (a) Each party shall have the following rights among others:
- (i) To call and examine witnesses on any matter relevant to the issues of the hearing;
 - (ii) To introduce documentary and physical evidence;
 - (iii) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - (iv) To impeach any witness regardless of which party first called that witness to testify;
 - (v) To rebut the evidence against him or her;
 - (vi) To represent himself or herself or to be represented by anyone of his or her choice.

(b) If a party does not proficiently speak or understand the English language, that party may provide an interpreter, at that party's own cost, to translate for the party. An interpreter shall not have been a resident of the Premises or have had any personal relationship with or involvement in the parties or issues of the case prior to the hearing.

(8) Official Notice. In reaching a decision, the Hearing Committee may take official notice, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or which may appear in any of the official records of the City or county, or any of their departments.

(9) Inspection of the Premises.

(a) The hearing officer may inspect the Premises involved in the hearing prior to, during, or after the hearing, provided that:

(i) Notice of such inspection shall be given to the parties before the inspection is made;

(ii) The parties consent and are given an opportunity to be present during the inspection; and

(iii) The hearing officer shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusions drawn there from.

(b) Each party shall then have a right to rebut or explain the matters so stated by the hearing officer either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

(c) Notice to the parties or the owner(s)' consent to inspect the building and surrounding properties is not required if the property can be inspected from areas in which the general public has access or with permission of the other persons authorized to provide access to the property on which the building is located.

(E) Form and Contents of the Decision; Finality of Decision.

(1) Format of Hearing Committee's Decision. The Hearing Committee shall issue a written decision containing findings of fact and a determination of the issues presented. The Hearing Committee may affirm, modify or reverse the notice of violation or the Notice and Order imposed by the City or find that the imposition of the penalty is not warranted or is not in the interest of justice.

(2) Contents of Hearing Committee's Decision. If it is shown by a preponderance of all the evidence that the condition of the Premises constitutes a violation of the Rio Dell Municipal Code or is a public nuisance as defined in this chapter, the decision shall declare the Premises to be a public nuisance and shall order and require the appellant to abate the nuisance not later than ten calendar days after the issuance of the decision or, if ten calendar days is insufficient to abate the nuisance, within such other time as specified by the Hearing Committee not to exceed sixty days. The decision shall inform the appellant that if the nuisance is not abated within the time specified, the nuisance may be abated by the City in such manner as may be ordered by the Department Head and the expense thereof made a special assessment lien upon the property involved. This is in addition to any other legal remedies that the City may choose to compel compliance.

(3) Service of the Hearing Committee's Decision. Upon issuance of the decision, the City shall serve a copy on the appellant by first class mail to the address provided by appellant in the written notice of appeal. The Hearing Committee's decision shall be deemed served three days after the date it is mailed to the address provided by the appellant.

(4) Finality of Hearing Committee's Decision. The decision of the Hearing Committee on an appeal of a Notice and Order shall constitute the final administrative decision of the City and shall not be appealable to the City Council or any committee or commission of the City.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



To: Honorable Mayor and Members of the City Council

Through: Jim Stretch, City Manager

From: Graham Hill, Chief of Police

Date: December 17th, 2013

Subject: River Bar Survey Information

Action

Take action as recommended:

1. Do not restrict motorized access to the river bar from Edwards Drive access point.
2. Maintain current policy of locking existing access points during night time hours.
3. Review Noise Ordinance and determine if there are enhancements that could be made to address noise issues specific to river bar use.
4. Improve existing public access points as determined by the City Council (each access point to be addressed individually and details of improvements not budgeted for to be brought before the City Council).
5. Increase police enforcement, specifically during summer months without the use of additional tax revenues generated specifically for the purpose.
6. Direct staff to resubmit this survey (or a similar survey) in one year to determine if the above efforts had any effect in mitigating some of the existing issues cited by respondents.

Background

Concerns about the river bar and access to the river have recently been brought to the City Council's attention. I was tasked with putting together some information regarding this issue, and submitted a survey to the community to compile information on the subject. While initially the survey returns appeared strong, ultimately we got a less than a 10% return (96 survey's completed and returned). This is not necessarily representative of the "communities" opinion on the issue, but does give us some information to work with.

The survey questions addressed where people lived in relationship to the river, if they used the river area for recreational activities, the types of recreation people engage in, problems associated with

river access, community opinions on restricting access, and opinions on additional tax revenue to address concerns.

Based on the information in the surveys that were returned the results generally were as follows:

- Of the survey's returned about 25% were from people who lived close to the river.
- About 65% of the people who returned a survey stated they used the river bar for recreational activities. Most of the activity takes place during the summer months, however many respondents claimed they used the river bar throughout the entire year.
- The majority of the respondents who used the river bar for recreational purposes claimed they hiked or walked on the river bar. Dog walking and fishing were also popular responses, and the smallest portion of people who use the river bar for recreational activities used ATV's or motorcycles (15%). "Other" was a common choice and the most specified activity that was not listed was swimming.
- Of the problems listed that are associated with the river bar the most common one noted by respondents was excessive noise from off road vehicles and it was further noted that it occurred during both day time and night time hours. Garbage left on the river bar was also a common issue cited by respondents.
- A majority of the respondents were not in favor of closing the river bar to motorized vehicles; however a majority was in favor to limiting access to daytime hours.
- A majority of the respondents were not in favor of creating a special tax to facilitate additional patrol and enforcement for the river bar.

There were several suggestions and comments made by respondents regarding river bar issues:

- "It would be nice if they could put trash cans by the river to control the trash"
- We need Signage regarding no camping and no fires on the river bar.
- The community already pays taxes and the river bar is already police jurisdiction and should be patrolled without the need for new taxes.
- We should utilize community groups to facilitate volunteer trash pickup on the river bar.
- Additional public access would reduce public use of private property.
- Vehicles and ATV's are destroying the "riparian area" below the river bank.
- The river bar provides a place for young people to do legal positive activities, such as riding ATV's, fishing, and hiking.
- "I would support an ATV for police if they did not use it for personal fun and recreation"
- Install a camera at the gate access.
- "Salaries for the duties performed is enough."

It is not practical to list all of the comments in this staff report, but suffice to say there are varying opinions on the issues surrounding the river bar.

Based on the information collected it appears that the majority of the respondents feel that the river bar should not be closed to motorized traffic, however should be restricted to day time use. Of the problems raised by respondents and addressed in the survey, excessive noise is a concern to several people. It was suggested the city address the issue through a noise ordinance. It is important to the community that public access be maintained, and it was mentioned that the Painter Street access be made more user friendly to provide additional access.

Budgetary Impact

Specific projects such as access enhancement should be addressed individually, and will have a budgetary impact. The action you are taking tonight, if approved is meant to be a conceptual approach and in and of itself does not have a direct budgetary impact at this time.

Recommendation

While we received a fairly small return on our survey, currently this is the only information we have available in regards to public feelings on the subject, that we can use to make any decisions. Based on the survey results it is my opinion we should not restrict the access to the river bar any more than it currently is (day time use). We have adequate vehicle access at this time and we should make an effort to improve existing public access points for non-motorized use or as determined by the City Council. We should increase enforcement efforts through adding additional signage and the police should make a better effort, utilizing existing resources, patrolling the river, particularly during the summer months. The City should review the noise ordinance and determine if there are any specific enhancements that could be made to address noise issues specific to the river bar and OHV use. We should review this issue again in the future, resubmit the survey to the community, and determine if we have successfully mitigated the problems associated with river access.

Attachments

Power point

*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*



December 17, 2013

TO: Honorable Mayor and City Council

FROM: Jim Stretch, City Manager

SUBJECT: Determination of public access to Eel River at Painter Street

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Determine that public access from the end of Painter Street shall be restricted to foot traffic only, with a pedestrian pass through and lockable gate for emergency services and law enforcement vehicle access only. Access hours to be the same as the Edwards Street access posted on a sign, and
2. Direct the Public Works Department to install an appropriate structure at the Painter Street point of access to limit access as provided in #1 above at the estimated cost of \$1,000, and
3. Direct that, if the party that erected fences in Painter Street and blocked public access from Painter Street to the Eel River does not immediately remove the fences and structures when requested by City personnel, the City shall remove them and bill the responsible party for the cost of removal. The City may exercise any means at its disposal for collection if the responsible party does not reimburse the City for its cost, including the cost of collection.

BACKGROUND AND DISCUSSION

This agenda item was first presented to the City Council on October 1, 2013. It was generated by complaints received by the Police Department from citizens regarding gates installed on the pathway from the end of Painter Street down to the Eel River. The Council heard the matter and then directed staff to engage a Land Surveyor to determine with certainty whether the gates were installed within the City's right-of-way or within the jurisdiction of the State lands Commission.

Kelly-O'Hern Associates, Professional Land Surveyors were engaged to research the topic and/or conduct surveys to determine the point at which Painter Street terminates as a public right-of-way (R/W). His conclusion, dated November 19, 2013 is attached and provides that, unless the City has abandoned its rights there, which it hasn't, the neighbors have erected (2) fences within the City's R/W at the end of Painter to block the public's access to the Eel River. He also notes that they have moved their fence along the south portion of Painter Street out into the R/W.

The neighbor, Mr. Barisdale, will be contacted and asked to remove the fence in the R/W at once, and will be asked to remove the fences blocking access to the river when the City makes a decision about what access it will allow at that location and when it installs appropriate access controls.

The Council can now determine what level of public access to the Eel River you want to allow from the end of Painter Street, if any.

As set forth in the October 1, 2013 staff report, the City Council has basically (3) options at the Painter Street location for public access to the river as follows:

4. Fence and sign the location for no access to the river, with lockable gate to provide for emergency and law enforcement vehicle access. There would be a prominent sign.
5. Restrict access to foot traffic only (with sign), with a pedestrian pass through and lockable gate to provide for emergency and law enforcement vehicle access. Access hours to be stated on sign.
6. Allow full access to the river, including motor vehicles. Access hours to be stated on sign.

It is important to note that the City R/W for Painter Street may be 50' wide, but it narrows there to about 25'-30' of unpaved surface. There is no cul-de-sac to facilitate a turning movement, so parking at the end of Painter Street would be problematic. In its current configuration, Painter Street could be a candidate for a major access point to the river, but cannot accommodate any amount of parking without improvements being made. If the Council wishes to designate Painter Street for foot traffic only, parking would likely need to be designated on Painter Street 1/4 mile west at the Rigby Street intersection.

Without regard to the level of public access allowed there, it is recommended that the police and fire department be able to pass through the permanent installation to allow for a quicker response to calls and activity on the bar at the north end of the City. Otherwise, their access is limited to Edwards Drive at the south end of the City and it is a long slow drive to respond to calls for service.

Although there may be any number of variations on these major themes, based on current knowledge option #2 is recommended by the City Manager and Chief of Police. It is also recommended that public access be limited and enforced consistent with the hours posted at the Edwards Drive access, generally a few minutes before sunrise and a few minutes after sunset. The installation of the gate on Edwards Drive to restrict access to foot traffic would cost approximately \$1,000-\$1,500.

Cc: Public Works
Police Department

November 19, 2013

Jim Stretch
City Manager
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95562

RE: Survey of Painter Street

Dear Mr. Stretch:

Per your request we have researched surveys along the easterly portion of Painter Street in Rio Dell. We performed a field survey and located existing survey monuments along the road. Fences that block access to the east end of the road were also located.

From the end of the paved portion of Painter Street there is an old roadway that appears to have been used by vehicles in the past but now is used by pedestrians. This roadway is within the right of way of Painter Street, as described in this letter.

Painter Street is illustrated in Book 1 of Maps, Page 55. This is a two page map and a reduced copy is enclosed. This map is difficult to read and a better copy is filed in Book 6 Maps, Page 28. A reduced copy of this map is also enclosed.

At the lower left corner of Book 6 Maps, Page 28 is a notation pertaining to a lawsuit between Sutro, et al and Humboldt County. Perhaps the City Attorney could review the case and see if it pertains to Painter Street.

The two maps noted above do not include any road dedication statements. Subdivision maps prepared within the last 40 years include dedication statements that should clearly described the extent of dedications. Most of the maps of the era of the Rio Dell map (1884), however, also do not include road dedication statements. The normal assumption is that the roads were intended to be public roads.

November 19, 2013
Page 2 of 2

Enclosed is a copy of the deed to Edward Barisdale and Roger Barisdale. The deed is recorded as Instrument No. 2008-7044-5. Three of the parcels described in the deed refer to lots illustrated on the map filed in Book 1 Maps, Page 55.

Also enclosed is a copy of the survey for Earl Nally and Mildred Barisdale filed in Book 36 Surveys, Page 125. On this map I have added the location of two gates with red pen. As you are probably also aware, the Barisdale owners have moved their fence along the south portion of Painter Street out into the street right of way.

Although subdivision maps are drawn with solid lines along the edges of roads, the presumption is that fee title extends to the center of the street, but is burdened by a public right to use the road. The owner of a lot can only claim exclusive use of his half of the street if the public agency has abandoned the public right to use the road.

You have stated that the City is not aware of any abandonment of the public right to use the road. I also checked with the Humboldt County Department of Public Works and that office did not find any abandonment documents for Painter Street in their files.

In summary, if there has been no abandonment of the public right to use Painter Street, it appears to me that the adjacent landowner should not block the public from using the road.

Please call if you have any questions regarding this information.

Sincerely,
Kelly-O'Hern Associates

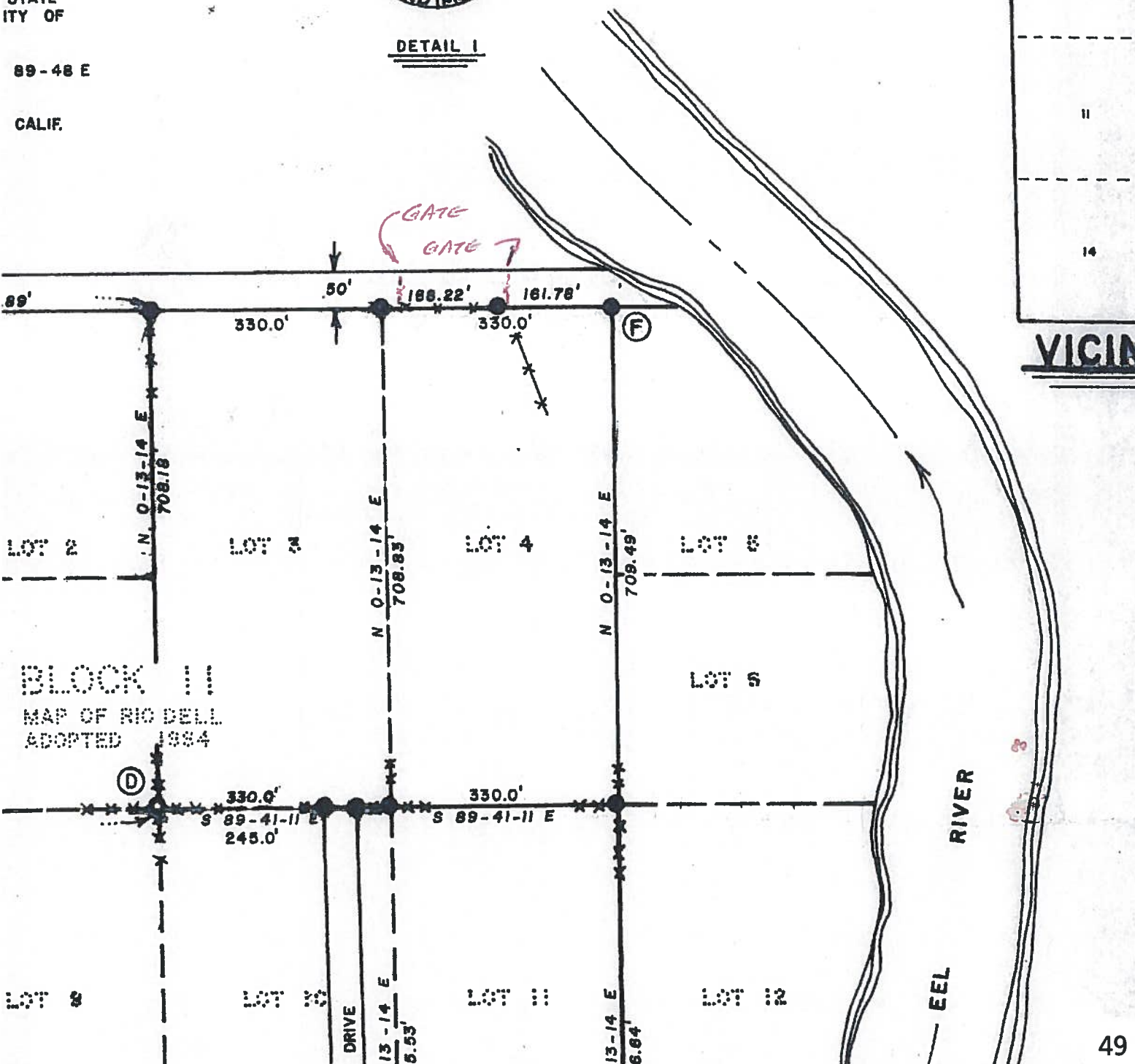
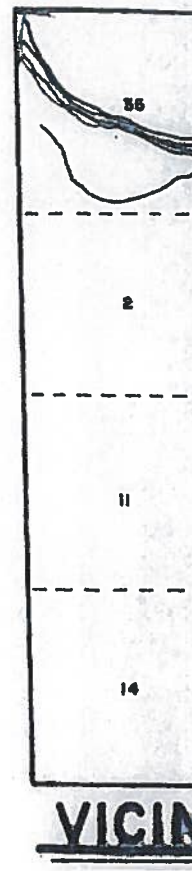
A handwritten signature in cursive script that reads "Mike O'Hern".

Mike O'Hern

CALIF.



DETAIL 1





For Meeting of: December 17, 2013

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Jim Stretch, City Manager

Date: December 10, 2013

Subject: Parkland Dedication Regulations, Section 17.30.190 RDMC

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed text amendments;
2. Continue the public hearing, receive public input and close the public hearing;
3. Adopt Ordinance No. 302-2013 establishing Parkland Dedication Regulations, Section 17.30.190 of the Rio Dell Municipal Code.
4. Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Background/Summary

At your meeting of December 3, 2013, staff introduced (first reading) Ordinance 302-2013, a proposed text amendment establishing Parkland Dedication Regulations, Chapter 17.30.190 of the Rio Dell Municipal Code (RDMC).

As reported at the December 3rd meeting, in May of 2009 the City adopted Resolution No. 1046-2009 establishing Parkland Dedication standards and In-Lieu fees for subdivisions subject to the Planned Development combining zone. The Planned Development combining zone was applied to the Fockaert subdivision (Bluff View Estates) and to a parcel up on Dinsmore Ranch Road. The Parkland Dedication Regulations require the developer to either dedicate land or pay In-Lieu fees at the discretion of the City. The current Parkland Dedication standards require the dedication of 218 square feet of parkland per person of about 525 square feet per dwelling unit. The Parkland Dedication fees are established at \$1,500 per dwelling unit.

Zone Reclassification/Text Amendment Required Findings:

- 1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.**

The recently adopted Open Space and Conservation Element includes the following Goal, Policy and Implementation Measure directly related to the Quimby Act:

Goal CO 5.4-1

Provide passive and active recreational opportunities, including parks offering a wide range recreational activities and a City wide trails program ultimately connecting to a local regional county wide trails program.

Policy CO 5.4-1

Support the acquisition, development and maintenance of park and recreation areas that provide recreation actives, including trails identified in the Circulation Element.

Implementation CO 5.4-1a. Establish a City wide parkland dedication or in-lieu fee program pursuant to the Quimby Act (California Government Code §66477).

Responsibility: Community Development Department.

Timeframe: 2013/2014.

Resources: General Fund

In addition, Chapter 2.1, *Natural Environment*, of the General Plan includes Goal 2.1-10 which calls for the City: "To develop a system of public parks and open spaces for our residents to enjoy." The proposed Parkland Dedication regulations to require either park land dedication or in-lieu parkland dedication fees will help the City achieve this worthy goal.

There are no polices in the General Plan which would prohibit the establishment of Parkland Dedication regulations. Therefore, the proposed Parkland Dedication regulations are consistent with the City's General Plan.

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Any future development of parklands as a result of the Parkland Dedication regulations would be subject to existing development regulations, including Federal, State and local regulations in addition to CEQA.

Based on the nature of the amendment, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendment, staff believes there is no evidence to suggest that the amendments will have a significant effect on the environment.

Financial Impact

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

Attachments:

1. Ordinance No. 302-2013 establishing Parkland Dedication Regulations, Section 17.30.190 of the Rio Dell Municipal Code (RDMC).
2. Post Adoption Summary.

ORDINANCE NO. 302 – 2013



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING PARKLAND DEDICATION REGULATIONS,
SECTION 17.30.190 OF THE RIO DELL MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS cities and counties have been authorized since the passage of the 1975 Quimby Act (California Government Code §66477) to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements; and

WHEREAS the goal of the Quimby Act was to require developers to help mitigate the impacts of property improvements and provide parkland; and

WHEREAS many jurisdictions have found that the Quimby Act provides a consistent means of providing parks for many California communities and helps supplement strained agency budgets; and

WHEREAS originally, the Act was designed to ensure "adequate" open space acreage in jurisdictions adopting Quimby Act standards (e.g., 5 acres per 1,000 residents); and

WHEREAS in 1982 the Quimby Act was amended to hold local governments accountable for imposing park development fees and local ordinances must now include definite standards for determining the proportion of the subdivision to be dedicated and/or the amount of the fee to be paid; and

WHEREAS in May of 2009 the City adopted Resolution No. 1046-2009 establishing Parkland Dedication fees for subdivisions subject to the Planned Development combining zone; and

WHEREAS in May 2012 the City Council directed staff to implement Parkland Dedication requirements for all residential subdivisions within the City; and

WHEREAS in order to implement Parkland Dedication requirements, the City needed to update its Open Space Element to include policies calling for the establishment of Parkland Dedication requirements; and

WHEREAS the updated Open Space and Conservation Element was adopted at the City Council meeting of October 15, 2013; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
2. The proposed amendment is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. Section 17.30.190 of the Rio Dell Municipal Code is hereby established as follows:

17.30.190 Parkland Dedication

(1) Purpose

The purpose of these requirements is to provide opportunities for public recreation in conjunction with residential development in conformity with the General Plan.

(2) Applicability

These regulations shall apply to all divisions of land for residential uses pursuant to the Quimby Act.

(3) Requirements

(a) As a condition of approval of a Final Map or Parcel Map the subdivider shall satisfy one (1) of the following requirements, at the option of the City:

(1) For new subdivisions containing fifty-one (51) or more parcels an offer of dedication land to the City according to the formula and standards set forth in Section 17.30.190(5); or

(2) An in-lieu fee, in accordance with the provisions of Section 17.30.180(6) to provide an appropriate contribution to public parks or recreation. It shall be the County's option to decide whether dedication of land or in-lieu fees shall be required.

(b) For new subdivisions containing fifty (50) or fewer lots or parcels, an in-lieu fee shall be provided consistent with the provisions of Section 17.30.180(6); except that, if mutually agreeable, the subdivider and the City may agree to the dedication of land or a combination of dedication and fee payment.

(c) Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this section. However, a condition shall be placed on the approval of such parcel map that at the time a building permit is requested for construction of a residential structure or structures on one or more of the parcels, the fee shall be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

(4) General Standard

Public parkland and/or recreation facilities shall be provided at the rate of five (5) acres for each 1,000 persons, equal to a standard of 218 square feet per person. This standard shall be utilized pursuant to Section 17.30.180(5) for the determination of parkland dedication.

(5) Formula for Dedication of Parkland

The amount of land (per dwelling unit), where land is dedicated, shall be determined by the application of the following formula:

(a) 218 square feet per person multiplied by the average number of persons per household.

(b) The average number of persons per household shall be determined by the City based on demographic research and available City Census data from the United States Bureau of the Census.

(6) Fees In-Lieu of Land Dedication.

(a) Where a fee is required to be paid in-lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to Section 17.30.180(5). The In-Lieu Parkland Dedication Fees shall be established by Resolution and determined in conjunction with the County Assessor and/or local realtors from time to time as necessary based on the following formula:

Parkland Dedication Fee Calculation

Impact Fee = Cost per Capita¹ x Population per Development Unit²

¹Cost per Capita = .005 (5 acres per 1000 population) x Cost per Acre

²Average County Household Size

(b) If the subdivider objects to the adopted fair market value determination, the subdivider may, at his/her own expense, obtain an appraisal of property suitable for a park by a qualified real estate appraiser mutually agreed upon by the City in determining fair market value.

(c) In-Lieu Parkland Dedication Fees shall be paid to the City at the time a Building Permit is issued for each dwelling unit built on the parcel.

(7) Procedures for Determining Land Dedication, Fee Payment or a Combination of Both.

The procedure for determining whether the subdivider is to dedicate land, pay a fee, or a combination of both shall be as follows:

(a) At the time of filing a Tentative Subdivision Map or Tentative Parcel Map for approval, the subdivider shall, as part of such filing, indicate whether he/she desires to dedicate property for park and recreational purposes, or whether he/she desires to pay a fee in-lieu thereof. If the subdivider desires to dedicate land for this purpose, he/she shall designate the area thereof on the subdivision map as submitted.

(b) At the time of the approval of the Tentative Subdivision Map or Tentative Parcel Map, the City shall determine as a part of such approval whether to require a dedication of land within the subdivision, payment of a fee in-lieu thereof, or a combination of both.

(c) The City may approve of the offer of land dedication, or elect to recommend that a payment of a fee in-lieu thereof be required, or that a combination of both be required. In making this determination the Planning Commission shall consider the following:

(1) The General Plan;

(2) Topography, geology, access, and location of land in the subdivision available for dedication;

(3) Size and shape of the land in the subdivision available for dedication;

- (4) Feasibility of dedication;
- (5) Availability and adequacy of previously acquired park property; and
- (6) The desirability of fees being used for indoor recreational facilities.

(8) Credit for Private Recreation Facilities.

Where a substantial private park and recreation area is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed fifty percent (50%), may be given against the requirement of land dedication or payment of fees in-lieu thereof if the Planning Commission finds that it is in the public interest to do so and that the following standards are met:

- (a) That yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances and regulations shall not be included in the computation of such private open space;
- (b) That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions;
- (c) That the use of the private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of property in the subdivision and which cannot be defeated or eliminated without the consent of the County or its successor;
- (d) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location;
- (e) That facilities proposed for the open space are in substantial accordance with the provisions of the General Plan.

Before credit is given, the Planning Commission shall make findings that the standards herein are met.

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines. Due to the nature of the proposed code revision, there is no evidence that a *significant* impact to the environment would occur as a result of adoption of the Ordinance.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on December 3, 2013 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 17th of December 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 302-2013 adopted by the City Council of the City of Rio Dell on December 17, 2013.

Karen Dunham, City Clerk, City of Rio Dell



Public Notice
City of Rio Dell City Council
SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 15 calendar days after the adoption of the ordinance)

Summary

On **Tuesday, December 17, 2013 at 6:30 p.m.**, the Rio Dell City Council held a public hearing in the City Council Chamber at City Hall to approve and adopt **Ordinance No. 302-2013 establishing Parkland Dedication Regulations, Section 17.30.190 of the Rio Dell Municipal Code.**

Section 36933(a) of the California Government Code requires that the City Clerk, to post a summary of the Ordinance within 15 days of adoption with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance. Said Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the December 17, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

A certified copy of the full text of the Ordinance is posted in the office of the City Clerk at 675 Wildwood Avenue in Rio Dell. General questions regarding the Ordinance and the process should be directed to Kevin Caldwell, Community Development Director, (707) 764-3532.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: December 17, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: December 10, 2013

Subject: Parking Regulations Text Amendment Section 17.30.180 of the Rio Dell
Municipal Code (RDMC).

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed Parking amendments;
2. Continue the public hearing, receive public input and close the public hearing;
3. Adopt Ordinance No. 305-2013 amending the current Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code.
4. Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Background/Summary

At your meeting of December 3, 2013, staff introduced (first reading) Ordinance No 305-2013 amending the current Parking regulations, Section 17.30.180 of the Rio Dell Municipal Code

At the December 3rd meeting, staff presented three (3) text amendments to the existing parking regulations. They were:

1. Prohibit the storage of trailers on public street and right-of-ways; and
2. Identify specific parking requirements for Low to Moderate Income (LMI) Senior Housing projects; and
3. Eliminate the need for a Conditional Use Permit (CUP) for exceptions to the location and required number of parking spaces.

As the Council is aware, staff originally presented the recommended changes to your Council at your meeting of September 3, 2013. The Council felt that the parking of recreational vehicles, boats and trailers should be restricted in all zones, not just residential zones. In addition, there was discussion regarding the 72 hour limit and whether or not 72 hours is too long. The Council also believed the recommended parking requirements for one bedroom and studio units in low to moderate income senior housing projects may not be adequate. Based on these concerns, the Council remanded the two issues back to the Planning Commission for discussion and recommendation.

In regards to the 72 hour period, The Planning Commission believes it is a reasonable amount of time to allow the temporary parking of recreational vehicles, including boats and trailers in all zones other than the Town Center (TC) zone along Wildwood Avenue. As reported at the December 3rd meeting, the Planning Commission recommended that the parking of recreational vehicles, boats and trailers be limited to 24 hours in the Town Center zone along Wildwood Avenue. Your Council agreed with the Planning Commission recommendation at the December 3rd meeting. As such, the Ordinance has been revised accordingly.

As reported at your December 3rd meeting the Planning Commission also discussed the parking demand for low to moderate income senior housing projects and concurs with staff and the Council that $\frac{3}{4}$ of a parking space per one bedroom or studio unit is appropriate. Again, staff has amended the Ordinance accordingly.

The last revision includes eliminating the need for a Conditional Use Permit (CUP) for exceptions to the location of the required parking and to the amount of required parking. The City Council was comfortable with the Planning Commission's recommendation to eliminate the

CUP requirement for exceptions and having the Community Development Director in consultation with the Director of Public Works and sometimes the City Engineer reviews applications for exception requests.

Zone Reclassification Required Finding:

- 1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.**

There are no policies in the General Plan which would discourage or prohibit the recommended text amendments to the parking regulations. One of the primary goals of any General Plan is facilitate planned orderly development. Staff believes the recommended text amendments will help facilitate and expedite planned orderly development.

- 2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).**

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendments, staff believes there is no evidence to suggest that the amendments will have a significant effect on the environment.

Financial Impact

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

Attachments:

1. Ordinance No. 305-2013 amending the Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code.
2. Post Adoption Summary.

ORDINANCE NO. 305 – 2013



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING THE PARKING REGULATIONS, SECTION 17.30.180 OF THE RIO DELL
MUNICIPAL CODE:**

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS in responding to complaints regarding the on-street parking of recreational vehicles and boats, staff discovered that the on-street parking of trailers (i.e. horse trailers, cargo trailers, dump trailers, etc.) is not addressed; and

WHEREAS staff believes this be an oversight. It was staff's intent when we recently updated the parking regulations, that all trailers be prohibited from being stored (parking for any period longer than 72 hours) on a public street or right-of-way; and

WHEREAS during a recent meeting with DANCO regarding a potential senior housing project, staff discovered that we do not have specific parking requirements for low to moderate income senior housing projects; and

WHEREAS as such, staff is recommending that the City establish separate parking requirements for low to moderate income senior housing projects; and

WHEREAS many low to moderate income senior citizens (62 years and older) are limited to one (1) car per household due to financial reasons or health related issues; and

WHEREAS staff believes that the parking demand for low to moderate income senior citizens would not be the same for typical single family of multifamily developments; and

WHEREAS staff is also recommending eliminating the need for a Conditional Use Permit (CUP) for exceptions to the location of the required parking and to the amount of required parking; and

WHEREAS the cost for a Conditional Use Permit ranges from about \$500.00 to about \$1,000.00; and

WHEREAS the processing time for a Conditional Use Permit is a minimum of four (4) weeks and up to six (6) or eight (weeks) depending on when the application is submitted the complexity of the application and the need for referral agency comments; and

WHEREAS currently the Community Development Director in consultation with the Director of Public Works and sometimes the City Engineer reviews applications for exception requests and based on the submitted evidence makes a recommendation to the Planning Commission to either approve or deny the exception request; and

WHEREAS should the Planning Director deny the exception request, the applicant may appeal the decision to the Planning Commission and subsequently to the City Council; and

WHEREAS staff believes the recommended revisions to the exception provisions will save applicants both time and money, thus facilitating and expediting planned, orderly development consistent with an overall comprehensive view of the General Plan; and

WHEREAS the proposed amendments to the parking regulations were originally presented to the Planning Commission at their meeting of August 25th; and

WHEREAS based on staff's recommendation, the Planning Commission adopted Resolution No. PC 66-2013 recommending that the City Council adopt Ordinance No. 305-2013 implementing the recommended changes; and

WHEREAS at their meeting of September 3rd, the City Council discussed the proposed Recreational Vehicle/Trailer Parking amendments and felt that the parking of recreational vehicles, boats and trailers should be restricted in all zones, not just residential zones. In addition, there was discussion regarding the 72 hour limit and whether or not 72 hours is too long; an

WHEREAS at their meeting of September 3rd, the City Council also discussed the recommended parking demand for low to moderate income senior housing projects; and

WHEREAS the Council expressed concern that the recommended ½ parking space for one bedroom or studio units may not provide adequate parking facilities for low to moderate income senior housing projects; and

WHEREAS based on the City Council's concerns, the proposed text amendments were sent back to the Planning Commission for discussion and recommendation; and

WHEREAS the Planning Commission discussed the 72 hour limit and recommended that the limit should apply to all zones, except the Town Center zone along Wildwood Avenue; and

WHEREAS the Planning Commission recommended that the parking of recreational vehicles, boats and trailers should be limited to 24 hours in the Town Center zone along Wildwood Avenue; and

WHEREAS the Planning Commission discussed the recommended parking demand for low to moderate income senior housing projects issue at their meeting of October 23rd and concurs with staff and the Council that $\frac{3}{4}$ of a parking space per one bedroom or studio unit is appropriate; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The City has determined that the proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. The Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code is hereby amended to read as follows:

Section 17.30.180(2) (d) RDMC

Recreational Vehicle Trailer Parking: The storage (parking for any period longer than 72 hours) of a recreational vehicle, ~~and/or boat~~ and/or trailer ~~in a residential zoning district~~ shall be

allowed only when all portions of the vehicle, ~~or~~ boat and/or trailer are located entirely within the property boundaries and do not extend into the public right-of-way, including public utility easements and sidewalks. The storage (parking for any period longer than 24 hours) of a recreational vehicle, boat and/or trailer in the Town Center zone along Wildwood Avenue shall be allowed only when all portions of the vehicle, boat and/or trailer are located entirely within the property boundaries and do not extend into the public right-of-way, including public utility easements and sidewalks.

Section 17.30.180(4) Location Exception

- (i) Exceptions to the location requirement for parking facilities for commercial uses may be ~~allowed with a Conditional Use Permit~~ approved by the Community Development Director in consultation with the Director of Public Works if it is found that:
- (ii) A substitute parking area is to be provided and remain available for as long as the use to which the required parking pertains shall continue; and
- (iii) The substitute parking area is within an area designated in the General Plan for commercial or other business use and within which parking is a permitted and compatible use; and
- (iv) All or part of the substitute location is within four hundred feet (400') of the principal use for which the parking is being provided, measured in walking distance along the way open to public pedestrian passage; and
- (v) The substitute parking area is owned by the owner of the property on which the use for which the parking is being provided or is owned by a public entity empowered to provide public parking facilities; or

Section 17.30.180(5) Amount Exception

(a) Exceptions to the requirements for the number of off-street parking spaces may be ~~allowed with a Conditional Use Permit~~ approved by the Community Development Director in consultation with the Director of Public Works provided evidence is submitted in support of the exception. Exceptions may be granted by the ~~hearing officer~~ Community Development Director based upon the following factors:

- (i) Geographic location of site;
- (ii) Levels of anticipated use.
- (iii) Site specific topographic constraints;
- (iv) Historically designated structures;

(v) Proximity to urban built-up areas; and

17.30.180(17) Number of Parking Spaces Required

(a) Each land use shall be provided the number of off-street parking spaces required by this Section. Each space shall be independently accessible. See Sections **17.30.180(19)** and **17.30.180(20)** for off-street parking requirements for bicycles and motorcycles, respectively.

Land Use Type	Minimum Number of Required Off-Street Parking Spaces
Residential	
Single Family & Duplexes	2 spaces per dwelling unit
Multi-Family (3 or more units)	
One Bedroom or Less	1 space per dwelling unit
Two or Three Bedrooms	2 spaces per dwelling unit
Four Bedrooms or More	2.5 spaces per dwelling unit
Guest Parking	.5 spaces per dwelling unit
<u>Low to Moderate Income Senior Housing Projects (62 and older)</u>	
<u>One Bedroom or Less</u>	<u>.75 space per dwelling unit</u>
<u>Two Bedrooms</u>	<u>1 space per dwelling unit</u>
<u>Three Bedrooms</u>	<u>1.5 spaces per dwelling unit</u>
<u>Four Bedrooms or More</u>	<u>2 spaces per dwelling unit</u>
<u>Guest Parking</u>	<u>.5 spaces per dwelling unit</u>

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b) (3) of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any impact to the environment would occur as a result of adoption of the Ordinance.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on December 3, 2013 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on December 17, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 305-2013 adopted by the City Council of the City of Rio Dell on December 17, 2013.

Karen Dunham, City Clerk, City of Rio Dell